

2011S0078-1 01/12/11

By: Fraser, et al.

S.B. No. 14

A BILL TO BE ENTITLED
AN ACT

relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

(a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Subsection (a), Section 15.022, Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 [63.007], following an election;

(4) after receipt of a voter's statement of residence executed under Section 63.0011;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053; or

(8) after receipt of a registration application or change of address under Chapter 20.

SECTION 3. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b) The secretary of state shall conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63.

SECTION 4. Section 32.111, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under

2:13-cv-193
09/02/2014

DEF0001

TX_00003602
JA_000001

exhibitsticker.com

TX_00003602

Section 63.001.

SECTION 5. Subsection (a), Section 32.114, Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 6. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. The notice and list must be printed using a font that is at least 24-point.

SECTION 7. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) to read as follows:

(b) Except as provided by Subsection (h), on [or] offering to vote, a voter must present to an election officer at the polling place one form of identification listed in Section 63.0101 [the voter's voter registration certificate to an election officer at the polling place].

(c) On presentation of the documentation required by Subsection (b) [a registration certificate], an election officer shall determine whether the voter's name on the documentation [registration certificate] is on the list of registered voters for the precinct.

(d) If the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [registration certificate] to the voter.

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011. For a voter who is not accepted for voting under this section, an election officer shall:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by the secretary of state, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting

identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) includes notice that even if all procedures are followed, there is no guarantee a provisional ballot will be accepted.

(h) The requirements for identification prescribed by

Subsection (b) do not apply to a voter who:

- (1) presents the voter's voter registration certificate on offering to vote; and
- (2) was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate.

SECTION 8. Subsection (a), Section 63.0011, Election Code, is amended to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence, if [as] listed, on identification presented by the voter under Section 63.001(b) [the voter's voter registration certificate] is current and whether the voter has changed residence within the county.

SECTION 9. Chapter 63, Election Code, is amended by adding Section 63.0012 to read as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) An election officer shall distribute written notice of the identification that will be required to vote in elections held after January 1, 2012, and information on obtaining identification without a fee under Section 521.422, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

(b) The secretary of state shall prescribe the wording of the notice and establish guidelines for distributing the notice.

(c) This section expires September 1, 2013.

SECTION 10. Section 63.006, Election Code, is amended to read as follows:

Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to vote, presents the documentation required under Section 63.001(b) [a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote], but whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered:

(1) in the precinct in which the voter is offering to vote; or

(2) in a different precinct from the one in which the voter is offering to vote and the voter executes an affidavit stating that the voter:

(A) (i) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct; or

(ii) was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar;

(B) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(C) is voting only once in the election.

(b) After the voter is accepted, an election officer shall:

(1) indicate beside the voter's name on the poll list that the voter was accepted under this section; and

(2) if applicable, enter on the registration omissions list the precinct of the voter's registration as indicated by the voter's registration certificate.

SECTION 11. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.

A ~~[(a) Except as provided by Subsection (b), a]~~ voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

~~[(b)] -- If an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.]~~

SECTION 12. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

The following documentation is an acceptable form [as proof] of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety ~~that has not [or a similar document issued to the person by an agency of another state, regardless of whether the license or card has] expired;~~

(2) a United States military identification card that contains the person's photograph that has not expired ~~[form of identification containing the person's photograph that establishes the person's identity];~~

(3) a ~~birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;~~

~~[+4)] United States citizenship certificate [papers] issued to the person that contains the person's photograph; or~~

~~(4) [+5)] a United States passport issued to the person that has not expired[+]~~

~~[+6) -- official mail addressed to the person by name from a governmental entity;~~

~~[+7) -- a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or~~

~~[+8) -- any other form of identification prescribed by the secretary of state].~~

SECTION 13. Subsections (a) and (b), Section 63.011, Election Code, are amended to read as follows:

(a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

(b) A form for an affidavit required by this section shall be printed on an envelope in which the provisional ballot voted by the person may be placed and must include a space for entering the identification number of the provisional ballot voted by the person and a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101. The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.

SECTION 14. Subsection (b), Section 64.012, Election Code, is amended to read as follows:

(b) An offense under this section is a felony of the second [third] degree unless the person is convicted of an attempt. In that case, the offense is a state jail felony [~~Class A misdemeanor~~].

SECTION 15. Subsection (b), Section 65.054, Election Code, is amended to read as follows:

(b) A provisional ballot shall [may] be accepted [only] if the board determines that, from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election and the person meets the identification requirements of Section 63.001(b) in the period prescribed under Section 65.0541.

SECTION 16. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election, present proof of identification to the voter registrar for examination by the early voting ballot board.

(b) The secretary of state shall prescribe procedures as necessary to implement this section.

SECTION 17. Section 66.0241, Election Code, is amended to read as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

(1) the precinct list of registered voters;
(2) the registration correction list;
(3) the registration omissions list;
(4) any statements of residence executed under Section 63.0011; and
(5) any affidavits executed under Section 63.006 [~~63.007~~] or 63.011.

SECTION 18. Section 521.422, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), the [The] fee for a personal identification certificate is:

(1) \$15 for a person under 60 years of age;
(2) \$5 for a person 60 years of age or older; and
(3) \$20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure.

(d) The department may not collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the

purpose of satisfying Section 63.001(b), Election Code, and:

- (1) who is a registered voter in this state and presents a valid voter registration certificate; or
- (2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

SECTION 19. Effective January 1, 2012, Sections 63.007 and 63.008, Election Code, are repealed.

SECTION 20. As soon as practicable after the effective date of this section:

(1) the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code; and

(2) the county clerk of each county shall provide a session of training under Section 32.114, Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 21. The change in law made by this Act applies only to an offense committed on or after January 1, 2012. An offense committed before January 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 22. State funds disbursed under Chapter 19, Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration may also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section expires January 1, 2013.

SECTION 23. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2012.

(b) The changes in law made by Sections 1, 3, 4, 5, 9, 20, and 22 of this Act take effect September 1, 2011.

FILE

82nd-'11

Keller Chris Harris
Ogden Wentworth
Shay Shotts Duron Sing
Cromby Frost Johnson
Miller Bob Deuell
Ritter Nichols S.B. No. 14
AN ACT
A BILL TO BE ENTITLED

relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

(a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Subsection (a), Section 15.022, Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of a registration omissions list and

—.B. No. —

1 any affidavits executed under Section 63.006 [63.007], following an
2 election;

3 (4) after receipt of a voter's statement of residence
4 executed under Section 63.0011;

5 (5) before the effective date of the abolishment of a
6 county election precinct or a change in its boundary;

7 (6) after receipt of United States Postal Service
8 information indicating an address reclassification;

9 (7) after receipt of a voter's response under Section
10 15.053; or

11 (8) after receipt of a registration application or
12 change of address under Chapter 20.

13 SECTION 3. Subchapter A, Chapter 31, Election Code, is
14 amended by adding Section 31.012 to read as follows:

15 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
16 secretary of state and the voter registrar of each county that
17 maintains a website shall provide notice of the identification
18 requirements for voting prescribed by Chapter 63 on each entity's
19 respective website. The secretary of state shall prescribe the
20 wording of the notice to be included on the websites.

21 (b) The secretary of state shall conduct a statewide effort
22 to educate voters regarding the identification requirements for
23 voting prescribed by Chapter 63.

24 SECTION 4. Section 32.111, Election Code, is amended by
25 adding Subsection (c) to read as follows:

26 (c) The training standards adopted under Subsection (a)
27 must include provisions on the acceptance and handling of the

_____.B. No. _____

1 any affidavits executed under Section 63.006 [63.007], following an
2 election;

3 (4) after receipt of a voter's statement of residence
4 executed under Section 63.0011;

5 (5) before the effective date of the abolishment of a
6 county election precinct or a change in its boundary;

7 (6) after receipt of United States Postal Service
8 information indicating an address reclassification;

9 (7) after receipt of a voter's response under Section
10 15.053; or

11 (8) after receipt of a registration application or
12 change of address under Chapter 20.

13 SECTION 3. Subchapter A, Chapter 31, Election Code, is
14 amended by adding Section 31.012 to read as follows:

15 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
16 secretary of state and the voter registrar of each county that
17 maintains a website shall provide notice of the identification
18 requirements for voting prescribed by Chapter 63 on each entity's
19 respective website. The secretary of state shall prescribe the
20 wording of the notice to be included on the websites.

21 (b) The secretary of state shall conduct a statewide effort
22 to educate voters regarding the identification requirements for
23 voting prescribed by Chapter 63.

24 SECTION 4. Section 32.111, Election Code, is amended by
25 adding Subsection (c) to read as follows:

26 (c) The training standards adopted under Subsection (a)
27 must include provisions on the acceptance and handling of the

_____.B. No. ____

1 identification presented by a voter to an election officer under
2 Section 63.001.

3 SECTION 5. Subsection (a), Section 32.114, Election Code,
4 is amended to read as follows:

5 (a) The county clerk shall provide one or more sessions of
6 training using the standardized training program and materials
7 developed and provided by the secretary of state under Section
8 32.111 for the election judges and clerks appointed to serve in
9 elections ordered by the governor or a county authority. Each
10 election judge shall complete the training program. Each election
11 clerk shall complete the part of the training program relating to
12 the acceptance and handling of the identification presented by a
13 voter to an election officer under Section 63.001.

14 SECTION 6. Chapter 62, Election Code, is amended by adding
15 Section 62.016 to read as follows:

16 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
17 POLLING PLACES. The presiding judge shall post in a prominent place
18 on the outside of each polling location a list of the acceptable
19 forms of identification. The notice and list must be printed using
20 a font that is at least 24-point.

21 SECTION 7. Section 63.001, Election Code, is amended by
22 amending Subsections (b), (c), (d), and (f) and adding Subsections
23 (g) and (h) to read as follows:

24 (b) Except as provided by Subsection (h), on [On] offering
25 to vote, a voter must present to an election officer at the polling
26 place one form of identification listed in Section 63.0101 [the
27 voter's voter registration certificate to an election officer at

_____.B. No. _____

1 the polling place].

2 (c) On presentation of the documentation required by
3 Subsection (b) [~~a registration certificate~~], an election officer
4 shall determine whether the voter's name on the documentation
5 [~~registration certificate~~] is on the list of registered voters for
6 the precinct.

7 (d) If the voter's name is on the precinct list of
8 registered voters and the voter's identity can be verified from the
9 documentation presented under Subsection (b), the voter shall be
10 accepted for voting.

11 (f) After determining whether to accept a voter, an election
12 officer shall return the voter's documentation [~~registration~~
13 ~~certificate~~] to the voter.

14 (g) If the requirements for identification prescribed by
15 Subsection (b) are not met, the voter may be accepted for
16 provisional voting only under Section 63.011. For a voter who is
17 not accepted for voting under this section, an election officer
18 shall:

19 (1) inform the voter of the voter's right to cast a
20 provisional ballot under Section 63.011; and

21 (2) provide the voter with written information, in a
22 form prescribed by the secretary of state, that:

23 (A) lists the requirements for identification;
24 (B) states the procedure for presenting
25 identification under Section 65.0541;
26 (C) includes a map showing the location where
27 identification must be presented; and

_____.B. No. _____

1 (D) includes notice that even if all procedures
2 are followed, there is no guarantee a provisional ballot will be
3 accepted.

4 (h) The requirements for identification prescribed by
5 Subsection (b) do not apply to a voter who:

6 (1) presents the voter's voter registration
7 certificate on offering to vote; and
8 (2) was 70 years of age or older on January 1, 2012, as
9 indicated by the date of birth on the voter's voter registration
10 certificate.

11 SECTION 8. Subsection (a), Section 63.0011, Election Code,
12 is amended to read as follows:

13 (a) Before a voter may be accepted for voting, an election
14 officer shall ask the voter if the voter's residence address on the
15 precinct list of registered voters is current and whether the voter
16 has changed residence within the county. If the voter's address is
17 omitted from the precinct list under Section 18.005(c), the officer
18 shall ask the voter if the voter's residence, if [as] listed, on
19 identification presented by the voter under Section 63.001(b) [~~the~~
20 ~~voter's voter registration certificate~~] is current and whether the
21 voter has changed residence within the county.

22 SECTION 9. Chapter 63, Election Code, is amended by adding
23 Section 63.0012 to read as follows:

24 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO
25 CERTAIN VOTERS. (a) An election officer shall distribute written
26 notice of the identification that will be required to vote in
27 elections held after January 1, 2012, and information on obtaining

_____.B. No. _____

1 identification without a fee under Section 521.422, Transportation
2 Code, to each voter who, when offering to vote, presents a form of
3 identification that will not be sufficient for acceptance as a
4 voter under this chapter beginning with those elections.

5 (b) The secretary of state shall prescribe the wording of
6 the notice and establish guidelines for distributing the notice.

7 (c) This section expires September 1, 2013.

8 SECTION 10. Section 63.006, Election Code, is amended to
9 read as follows:

10 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT
11 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
12 vote, presents the documentation required under Section 63.001(b)
13 [~~a voter registration certificate indicating that the voter is~~
14 ~~currently registered in the precinct in which the voter is offering~~
15 ~~to vote~~], but whose name is not on the precinct list of registered
16 voters, shall be accepted for voting if the voter also presents a
17 voter registration certificate indicating that the voter is
18 currently registered:

19 (1) in the precinct in which the voter is offering to
20 vote; or

21 (2) in a different precinct from the one in which the
22 voter is offering to vote and the voter executes an affidavit
23 stating that the voter:

24 (A)(i) is a resident of the precinct in which the
25 voter is offering to vote or is otherwise entitled by law to vote in
26 that precinct; or

27 (ii) was a resident of the precinct in which

_____.B. No. _____

1 the voter is offering to vote at the time the information on the
2 voter's residence address was last provided to the voter registrar;
3 (B) did not deliberately provide false
4 information to secure registration in a precinct in which the voter
5 does not reside; and

6 (C) is voting only once in the election.

7 (b) After the voter is accepted, an election officer shall:
8 (1) indicate beside the voter's name on the poll list
9 that the voter was accepted under this section; and
10 (2) if applicable, enter on the registration omissions
11 list the precinct of the voter's registration as indicated by the
12 voter's registration certificate.

13 SECTION 11. Section 63.009, Election Code, is amended to
14 read as follows:

15 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.
16 A [(a) Except as provided by Subsection (b), a] voter who does not
17 present a voter registration certificate when offering to vote, and
18 whose name is not on the list of registered voters for the precinct
19 in which the voter is offering to vote, shall be accepted for
20 provisional voting if the voter executes an affidavit in accordance
21 with Section 63.011.

22 [(b) If an election officer can determine from the voter
23 registrar that the person is a registered voter of the county and
24 the person presents proof of identification, the affidavits
25 required by Sections 63.007 and 63.008 are substituted for the
26 affidavit required by Section 63.011 in complying with that
27 section. After the voter is accepted under this subsection, an

_____. B. No. _____

1 ~~election officer shall also indicate beside the voter's name on the~~
2 ~~poll list that the voter was accepted under this section.]~~

3 SECTION 12. Section 63.0101, Election Code, is amended to
4 read as follows:

5 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
6 The following documentation is an acceptable form [~~as proof~~] of
7 photo identification under this chapter:

8 (1) a driver's license or personal identification card
9 issued to the person by the Department of Public Safety that has not
10 [~~or a similar document issued to the person by an agency of another~~
11 ~~state, regardless of whether the license or card has~~] expired;

12 (2) a United States military identification card that
13 contains the person's photograph that has not expired [~~form of~~
14 ~~identification containing the person's photograph that establishes~~
15 ~~the person's identity~~];

16 (3) a [~~birth certificate or other document confirming~~
17 ~~birth that is admissible in a court of law and establishes the~~
18 ~~person's identity~~],

19 [~~(4)~~] United States citizenship certificate [~~papers~~]
20 issued to the person that contains the person's photograph; or

21 (4) [~~(5)~~] a United States passport issued to the
22 person that has not expired[+]

23 [~~(6)~~] official mail addressed to the person by name
24 from a governmental entity,

25 [~~(7)~~] a copy of a current utility bill, bank statement,
26 government check, paycheck, or other government document that shows
27 the name and address of the voter, or

_____.B. No. _____

1 [~~(8)~~ any other form of identification prescribed by
2 the secretary of state].

3 SECTION 13. Subsections (a) and (b), Section 63.011,
4 Election Code, are amended to read as follows:

5 (a) A person to whom Section 63.001(g) [~~63.008(b)~~] or 63.009
6 [~~63.009(a)~~] applies may cast a provisional ballot if the person
7 executes an affidavit stating that the person:

8 (1) is a registered voter in the precinct in which the
9 person seeks to vote; and

10 (2) is eligible to vote in the election.

11 (b) A form for an affidavit required by this section shall
12 be printed on an envelope in which the provisional ballot voted by
13 the person may be placed and must include a space for entering the
14 identification number of the provisional ballot voted by the person
15 and a space for an election officer to indicate whether the person
16 presented a form of identification described by Section 63.0101.

17 The affidavit form may include space for disclosure of any
18 necessary information to enable the person to register to vote
19 under Chapter 13. The secretary of state shall prescribe the form
20 of the affidavit under this section.

21 SECTION 14. Subsection (b), Section 64.012, Election Code,
22 is amended to read as follows:

23 (b) An offense under this section is a felony of the second
24 [~~third~~] degree unless the person is convicted of an attempt. In
25 that case, the offense is a state jail felony [~~Class A misdemeanor~~].

26 SECTION 15. Subsection (b), Section 65.054, Election Code,
27 is amended to read as follows:

_____.B. No. ____

1 (b) A provisional ballot shall [~~may~~] be accepted [~~only~~] if
2 the board determines that, from the information in the affidavit or
3 contained in public records, the person is eligible to vote in the
4 election and has not previously voted in that election and the
5 person meets the identification requirements of Section 63.001(b)
6 in the period prescribed under Section 65.0541.

7 SECTION 16. Subchapter B, Chapter 65, Election Code, is
8 amended by adding Section 65.0541 to read as follows:

9 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
10 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
11 voting under Section 63.011 because the voter does not meet the
12 identification requirements of Section 63.001(b) may, not later
13 than the sixth day after the date of the election, present proof of
14 identification to the voter registrar for examination by the early
15 voting ballot board.

16 (b) The secretary of state shall prescribe procedures as
17 necessary to implement this section.

18 SECTION 17. Section 66.0241, Election Code, is amended to
19 read as follows:

20 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
21 must contain:

- 22 (1) the precinct list of registered voters;
23 (2) the registration correction list;
24 (3) the registration omissions list;
25 (4) any statements of residence executed under Section
26 63.0011; and
27 (5) any affidavits executed under Section 63.006

_____.B. No. _____

1 [63.007] or 63.011.

2 SECTION 18. Section 521.422, Transportation Code, is
3 amended by amending Subsection (a) and adding Subsection (d) to
4 read as follows:

5 (a) Except as provided by Subsection (d), the [The] fee for
6 a personal identification certificate is:

7 (1) \$15 for a person under 60 years of age;

8 (2) \$5 for a person 60 years of age or older; and

9 (3) \$20 for a person subject to the registration
10 requirements under Chapter 62, Code of Criminal Procedure.

11 (d) The department may not collect a fee for a personal
12 identification certificate issued to a person who states that the
13 person is obtaining the personal identification certificate for the
14 purpose of satisfying Section 63.001(b), Election Code, and:

15 (1) who is a registered voter in this state and
16 presents a valid voter registration certificate; or

17 (2) who is eligible for registration under Section
18 13.001, Election Code, and submits a registration application to
19 the department.

20 SECTION 19. Effective January 1, 2012, Sections 63.007 and
21 63.008, Election Code, are repealed.

22 SECTION 20. As soon as practicable after the effective date
23 of this section:

24 (1) the secretary of state shall adopt the training
25 standards and develop the training materials required to implement
26 the change in law made by this Act to Section 32.111, Election Code;
27 and

_____.B. No. _____

1 (2) the county clerk of each county shall provide a
2 session of training under Section 32.114, Election Code, using the
3 standards adopted and materials developed to implement the change
4 in law made by this Act to Section 32.111, Election Code.

5 SECTION 21. The change in law made by this Act applies only
6 to an offense committed on or after January 1, 2012. An offense
7 committed before January 1, 2012, is covered by the law in effect
8 when the offense was committed, and the former law is continued in
9 effect for that purpose. For purposes of this section, an offense
10 is committed before January 1, 2012, if any element of the offense
11 occurs before that date.

12 SECTION 22. State funds disbursed under Chapter 19,
13 Election Code, for the purpose of defraying expenses of the voter
14 registrar's office in connection with voter registration may also
15 be used for additional expenses related to coordinating voter
16 registration drives or other activities designed to expand voter
17 registration. This section expires January 1, 2013.

18 SECTION 23. (a) Except as provided by Subsection (b) of
19 this section, this Act takes effect January 1, 2012.

20 (b) The changes in law made by Sections 1, 3, 4, 5, 9, 20,
21 and 22 of this Act take effect September 1, 2011.

TX_00003680

JA_000020

TX_00003680
JA_000020

BILL ANALYSIS

Senate Research Center

S.B. 14

By: Fraser et al.

Committee of the Whole

1/21/2011

As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, to vote a regular ballot, voters are only required to present a voter registration certificate to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on Election Day, it leaves a potential loophole for fraud. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. On Election Day, an election judge must accept a voter if a voter registration certificate is valid, even if the judge suspects that the voter is not the person listed on the certificate.

As proposed, S.B. 14 amends current law relating to requirements to vote, including presenting proof of identification, and provides criminal penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 15, Election Code, by adding Section 15.005, as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) Requires the voter registrar of each county (registrar) to provide notice of the identification requirements for voting prescribed by Chapter 63 (Accepting Voter) and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 (Initial Registration Certificate) or renewal registration certificate issued under Section 14.001 (Renewal Registration Certificate).

(b) Requires the secretary of state to prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Amends Section 15.022(a), Election Code, as follows:

(a) Requires the registrar to make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021 (Notice Of Change In Registration Information By Voter);

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033 (Cancellation Following Investigation By Registrar);

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 (Voter With Correct Certificate Who Is Not On List), rather than Section 63.007 (Voter With Incorrect Certificate Who Is Not On List), following an election;

TX_00003682
JA_000022

- (4) after receipt of a voter's statement of residence executed under Section 63.0011 (Statement Of Residence Required);
- (5) before the effective date of the abolishment of a county election precinct or a change in its boundary;
- (6) after receipt of United States Postal Service information indicating an address reclassification;
- (7) after receipt of a voter's response under Section 15.053 (Response To Confirmation Notice); or
- (8) after receipt of a registration application or change of address under Chapter 20 (Voter Registration Agencies).

SECTION 3. Amends Subchapter A, Chapter 31, Election Code, by adding Section 31.012, as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) Requires the secretary of state and the registrar of each county that maintains a website to provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website. Requires the secretary of state to prescribe the wording of the notice to be included on the websites.

(b) Requires the secretary of state to conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63.

SECTION 4. Amends Section 32.111, Election Code, by adding Subsection (c), as follows:

(c) Requires that the training standards adopted under Subsection (a) (relating to a requirement that the secretary of state adopt standards of training in election law and procedure for presiding or alternate election judges, develop materials for a standardized curriculum for that training, and distribute the materials to certain entities that hold certain elections) include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001 (Regular Procedure For Accepting Voter).

SECTION 5. Amends Section 32.114(a), Election Code, to require each election clerk to complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 6. Amends Chapter 62, Election Code, by adding Section 62.016, as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. Requires the presiding judge to post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. Requires that the notice and list be printed using a font that is at least 24-point.

SECTION 7. Amends Section 63.001, Election Code, by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h), as follows:

(b) Requires a voter, except as provided by Subsection (h), on offering to vote, to present to an election officer at the polling place one form of identification listed in Section 63.0101 (Documentation Of Proof Of Identification), rather than the voter's voter registration certificate.

(c) Requires an election officer, on presentation of the documentation required by Subsection (b), rather than on presentation of a registration certificate, to determine whether the voter's name on the documentation, rather than on the registration certificate, is on the list of registered voters for the precinct.

TX_00003684
JA_000024

TX_00003684

(d) Requires that the voter be accepted for voting, if the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b).

(f) Requires an election officer, after determining whether to accept a voter, to return the voter's documentation, rather than the voter's registration certificate, to the voter.

(g) Provides that if the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011 (Provisional Voting). Requires an election officer, for a voter who is not accepted for voting under this section, to:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by the secretary of state, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) includes notice that even if all procedures are followed, there is no guarantee a provisional ballot will be accepted.

(h) Provides that the requirements for identification prescribed by Subsection (b) do not apply to a voter who presents the voter's voter registration certificate on offering to vote and was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate.

SECTION 8. Amends Section 63.0011(a), Election Code, to require the election officer, if the voter's address is omitted from the precinct list under Section 18.005(c) (relating to the exclusion, under certain conditions, from the original or supplemental list of registered voters the residence address of a voter who is a federal judge, a state judge, or the spouse of a federal judge or state judge), to ask the voter if the voter's residence, if listed on identification presented by the voter under Section 63.001(b), rather than as listed on the voter's voter registration certificate, is current and whether the voter has changed residence within the county.

SECTION 9. Amends Chapter 63, Election Code, by adding Section 63.0012, as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) Requires an election officer to distribute written notice of the identification that will be required to vote in elections held after January 1, 2012, and information on obtaining identification without a fee under Section 521.422 (Personal Identification Certificate Fee), Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

(b) Requires the secretary of state to prescribe the wording of the notice and establish guidelines for distributing the notice.

(c) Provides that this section expires on September 1, 2013.

SECTION 10. Amends Section 63.006, Election Code, as follows:

the same time, the Court has also held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *United States v. O'Brien*, 391 U.S. 367, 377 (1968) ("[T]he First Amendment does not protect speech that is not itself constitutionally valid."); *see also* *Wasserman*, 100 F.3d at 1020 ("[T]he First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment.").

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020. The Court has also held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

Thus, the Court has held that the First Amendment does not prohibit the government from enacting laws that regulate speech that is not itself protected by the First Amendment. See, e.g., *O'Brien*, 391 U.S. at 377; *see also* *Wasserman*, 100 F.3d at 1020.

TX_00003686
JA_000026

TX_00003686

Sec. 63.006. New heading: VOTER WITH REQUIRED DOCUMENTATION WHO IS NOT ON LIST. (a) Requires that a voter who, when offering to vote, presents the documentation required under Section 63.001(b), rather than presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, or in a different precinct from the one in which the voter is offering to vote and the voter executes an affidavit stating that the voter is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct or was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar, did not deliberately provide false information to secure registration in a precinct in which the voter does not reside, and is voting only once in the election.

(b) Requires an election officer, after the voter is accepted, to indicate beside the voter's name on the poll list that the voter was accepted under this section and, if applicable, enter on the registration omissions list the precinct of the voter's registration as indicated by the voter's registration certificate.

SECTION 11. Amends Section 63.009, Election Code, as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. Deletes the existing designation of Subsection (a). Requires that a voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011, and deletes an exception under existing Subsection (b). Deletes existing Subsection (b) providing that, if an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section, and requiring an election officer, after the voter is accepted under this subsection, to also indicate beside the voter's name on the poll list that the voter was accepted under this section.

SECTION 12. Amends Section 63.0101, Election Code, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. Provides that the following documentation is an acceptable form of photo identification under this chapter: a driver's license or personal identification card issued to the person by the Department of Public Safety (DPS) that has not expired; a United States military identification card that contains the person's photograph that has not expired; a United States citizenship certificate issued to the person that contains the person's photograph; or a United States passport issued to the person that has not expired. Deletes existing text providing that the following documentation is acceptable as proof of identification under this chapter: a driver's license or personal identification card issued to the person by the DPS or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired; a form of identification containing the person's photograph that establishes the person's identity; a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity; United States citizenship papers issued to the person; a United States passport issued to the person; official mail addressed to the person by name from a governmental entity; a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or any other form of identification prescribed by the secretary of state.

SECTION 13. Amends Sections 63.011(a) and (b), Election Code, as follows:

(a) Authorizes a person to whom Section 63.001(g) or 63.009, rather than Section 63.008(b) or 63.009(a), applies to cast a provisional ballot if the person executes an

TX_00003688
JA_000028

TX_00003688

affidavit stating that the person is a registered voter in the precinct in which the person seeks to vote and is eligible to vote in the election.

(b) Requires that a form for an affidavit required by this section be printed on an envelope in which the provisional ballot voted by the person may be placed and include a space for entering the identification number of the provisional ballot voted by the person and a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.

SECTION 14. Amends Section 64.012(b), Election Code, to provide that an offense under this section is a felony of the second, rather than third, degree unless the person is convicted of an attempt. Provides that in that case, the offense is a state jail felony, rather than a Class A misdemeanor.

SECTION 15. Amends Section 65.054(b), Election Code, to require, rather than authorize, that a provisional ballot be accepted if the early voting ballot board (board) determines, rather than only if the board determines, that from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election and the person meets the identification requirements of Section 63.001(b) in the period prescribed under Section 65.0541.

SECTION 16. Amends Subchapter B, Chapter 65, Election Code, by adding Section 65.0541, as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) Authorizes a voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) to, not later than the sixth day after the date of the election, present proof of identification to the voter registrar for examination by the board.

(b) Requires the secretary of state to prescribe procedures as necessary to implement this section.

SECTION 17. Amends Section 66.0241, Election Code, to require that Envelope no. 4 contain the precinct list of registered voters, the registration correction list, the registration omissions list, any statements of residence executed under Section 63.0011, and any affidavits executed under Section 63.006 or 63.011, rather than Section 63.007 or 63.011.

SECTION 18. Amends Section 521.422, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that the fee for a personal identification certificate, except as provided under Subsection (d), is \$15 for a person under 60 years of age, \$5 for a person 60 years of age or older, and \$20 for a person subject to the registration requirements under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

(d) Prohibits DPS from collecting a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and who is a registered voter in this state and presents a valid voter registration certificate, or who is eligible for registration under Section 13.001 (Eligibility For Registration), Election Code, and submits a registration application to DPS.

SECTION 19. Repealer, effective January 1, 2012: Sections 63.007 (Voter With Incorrect Certificate Who Is Not On List) and 63.008 (Voter Without Certificate Who Is On List), Election Code.

SECTION 20. Requires the secretary of state, as soon as practicable after the effective date of this section, to adopt the training standards and develop the training materials required to

TX_00003690
JA_000030

TX_00003690

implement the change in law made by this Act to Section 32.111 (Training Standards For Election Judges), Election Code. Requires the county clerk of each county, as soon as practicable after the effective date of this section, to provide a session of training under Section 32.114 (Public County Training Program), Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 21. Provides that the change in law made by this Act applies only to an offense committed on or after January 1, 2012. Provides that an offense committed before January 1, 2012, is covered by the law in effect when the offense was committed and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 22. Authorizes state funds disbursed under Chapter 19 (Financing Voter Registration), Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration to also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. Provides that this section expires January 1, 2013.

SECTION 23. (a) Effective date, except as provided by Subsection (b) of this section: January 1, 2012.

(b) Effective date, for the changes in law made by Sections 1, 3, 4, 5, 9, 20, and 22 of this Act: September 1, 2011.

and the parties' rights and obligations under the Agreement. The parties further agree that the parties will not file any other action or proceeding against the other party in respect of any claim or cause of action arising out of or relating to the Agreement, except as provided in Article 10 of the Agreement.

ARTICLE 11. GOVERNING LAW AND JURISDICTION
11.1 Governing Law. The Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without regard to its conflict of law principles.

11.2 Jurisdiction. The parties hereby consent to the jurisdiction of the state and federal courts located in Harris County, Texas, over all disputes arising out of or relating to the Agreement.

11.3 Waiver of Jury Trial. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.4 Severability. If any provision of the Agreement is held to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

11.5 Entire Agreement. This Agreement contains the entire agreement between the parties and supersedes all prior negotiations, understandings, and agreements, whether written or oral, between the parties.

11.6 Amendment. Any amendment to this Agreement must be in writing and signed by both parties.

11.7 Assignment. The parties may not assign their rights or obligations under the Agreement without the written consent of the other party.

11.8 Notices. All notices required or permitted under the Agreement shall be in writing and delivered by certified mail, return receipt requested, or by facsimile transmission to the address or facsimile number specified in the Agreement.

11.9 Headings. The headings used in the Agreement are for convenience only and shall not affect the meaning or interpretation of the Agreement.

11.10 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

11.11 Governing Language. The English language version of the Agreement shall govern, and any translation of the Agreement into another language shall be for reference only.

11.12 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.13 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.14 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.15 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.16 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.17 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.18 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.19 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.20 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.21 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.22 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.23 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.24 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.25 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.26 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.27 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.28 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.29 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.30 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.31 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.32 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.33 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.34 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.35 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.36 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.37 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.38 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.39 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.40 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.41 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.42 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.43 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.44 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.45 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.46 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

11.47 Waiver ofwaiver. The parties hereby waive their right to a trial by jury in any action or proceeding brought by either party against the other party in respect of any claim or cause of action arising out of or relating to the Agreement.

TX_00003692
JA_000032

TX_00003692

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

January 24, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee of the Whole Senate

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB14, As Introduced: a negative impact of (\$2,000,000) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	(\$2,000,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2012	(\$2,000,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

Fiscal Analysis

The bill would require the voter registrar of each county to provide a notice of identification requirements for voting with each initial voter registration certificate or renewal registration certificate issued. The Secretary of State (SOS) and the voter registrar of each county that maintains a website would be required to post on their websites a notice of the identification requirements. SOS would be required to prescribe the wording of these notices. SOS would also be required to establish a statewide effort to educate voters regarding the identification requirements for voting.

The bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer and each election clerk would be required to complete this training.

The presiding judge at each polling place would be required to post in a prominent location outside of the

TX_00003694
JA_000034

TX 00003694

location a list of the acceptable forms of identification. The Secretary of State would be required to prescribe the wording for written notifications of the identification requirements to vote in elections after January 1, 2012 and election officers would be required to provide this written notification of voting identification requirements to voters who do not meet identification requirements.

The Department of Public Safety (DPS) would be prohibited from collecting a fee for a personal identification certificate issued to a person who states that they are obtaining the personal identification certificate to meet voting identification requirements and that person meets certain other voter registration criteria.

The bill would change an offense under this section after January 1, 2012 to a second degree felony from a third degree felony unless the person is convicted of an attempt, in which case, the offense would be a state jail felony instead of a Class A misdemeanor.

The Secretary of State would be required to prescribe procedures for voters who provisionally vote without proper identification to present proof of identification to the voter registrar not later than the sixth day after the date of the election.

The bill would repeal Sections 63.007 and 63.008 of the Election Code related to voters with incorrect certificates who are not on the voter list and voters without certificates who are not on the voter list.

The Secretary of State (SOS) would be required to adopt the training standards and to develop training materials as soon as practicable after September 1, 2011. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by SOS as soon as practicable as well.

The bill would expand the uses of state funds disbursed under Chapter 19 of the Election Code to include additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section would expire January 1, 2013.

Sections 1, 3, 4, 5, 9, 20, and 22 pertaining to providing notice of voter identification requirements, providing voter identification training, providing voter education to the public, and expanding the uses of voter registration funds would be effective September 1, 2011. The rest of the bill would be effective January 1, 2012.

Methodology

The total fiscal impact of the bill is estimated to be \$2 million for fiscal year 2012 out of the General Revenue Fund. This estimate includes \$0.5 million to research and develop ways to inform the public of the new identification requirements. Additional costs are estimated to be \$1.5 million for media advertisements: television (\$750,000), radio (\$300,000), print (\$300,000), and internet (\$150,000).

The Secretary of State would also be required to prescribe the wording for voter identification requirement notifications and to develop training materials on voter identification requirements. It is assumed that any fiscal implication associated with these responsibilities could be absorbed within existing resources.

The fiscal impact of expanding the uses of funds disbursed under Chapter 19 of the Election Code to include coordinating voter registration drives or other activities designed to expand voter registration is unknown because it is not known how many voter registration drives or other activities designed to expand voter registration would occur.

The fiscal impact of the revenue loss from the prohibition of DPS to collect a fee for a personal identification certificate issued to a person seeking the certificate for the purpose of voting is unknown because it is not known how many people would make a request for a personal identification certificate for voting.

Local Government Impact

The bill would require counties to notify registered voters of changes online if the county maintains a website, at polling locations, and included with voter registration certificates. Election clerks would be required to undergo training regarding accepted forms of voter identification.

According to Texas Association of Counties (TAC), Tarrant County anticipated a one-time cost to reprint provisional balloting materials and provide new notices (\$8,000); Bexar County stated that due to limited space on current registration certificates, larger cards would be necessary resulting in additional costs for cards,

TX_00003696
JA_000036

printing and postage (\$381,256); however, Comal County reported the costs associated with the provisions of the bill could be absorbed within existing resources.

Source Agencies: 304 Comptroller of Public Accounts, 307 Secretary of State, 405 Department of Public Safety

LBB Staff: JOB, SD, MS, BTA

TX_00003698
JA_000038

TX_00003698

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

**82ND LEGISLATIVE REGULAR SESSION
Revision 1**

January 24, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee of the Whole Senate

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), As Introduced

The bill would amend the Elections Code as it relates to requirements to vote. The provisions of the bill that create new punishment or enhance existing punishment for criminal offenses are the subject of this analysis. Under the provisions of the bill, the punishment for attempting to vote illegally would be enhanced from a Class A Misdemeanor to a State Jail Felony and the punishment for illegal voting would be enhanced from a third degree felony to a second degree felony.

A Class A Misdemeanor is punishable by confinement in a county jail for any term of not more than one year, or, in addition to confinement, a fine not to exceed \$4,000.

A state jail felony is punishable by confinement in a state jail for any term of not more than two years or less than 180 days, or, in addition to confinement, a fine not to exceed \$10,000.

A felony of the third degree is punishable by imprisonment in the institutional division for any term of not more than 10 years or less than 2 years, or, in addition to confinement, a fine not to exceed \$10,000.

A felony of the second degree is punishable by imprisonment in the institutional division for any term of not more than 20 years or less than 2 years, or, in addition to confinement, a fine not to exceed \$10,000.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. In fiscal year 2010, less than five offenders were admitted to prison and less than five offenders were released from prison for illegal voting. In fiscal year 2010, less than five people were under parole supervision for illegal voting. In fiscal year 2010, five offenders were placed on community supervision and less than five offenders were released from community supervision for illegal voting or attempting to vote illegally. In fiscal year 2010, less than five people were arrested for illegal voting or attempting to vote illegally. It is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of State corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, GG, LM, ADM, ESi

RECEIVED
U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

11/17/2014 BY MAIL

CLERK'S OFFICE - SOUTHERN DISTRICT OF TEXAS

11/17/2014

CLERK'S OFFICE - SOUTHERN DISTRICT OF TEXAS

11/17/2014

CLERK'S OFFICE - SOUTHERN DISTRICT OF TEXAS

11/17/2014

RECEIVED
U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

11/17/2014 BY MAIL
CLERK'S OFFICE - SOUTHERN DISTRICT OF TEXAS
11/17/2014

RECEIVED
U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

11/17/2014 BY MAIL
CLERK'S OFFICE - SOUTHERN DISTRICT OF TEXAS
11/17/2014

RECEIVED
U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

11/17/2014 BY MAIL
CLERK'S OFFICE - SOUTHERN DISTRICT OF TEXAS
11/17/2014

RECEIVED
U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

11/17/2014 BY MAIL
CLERK'S OFFICE - SOUTHERN DISTRICT OF TEXAS
11/17/2014

TX_00003700
JA_000040

TX_00003700

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

January 24, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on Committee of the Whole Senate

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), As Introduced

The bill would amend the Elections Code as it relates to requirements to vote. The provisions of the bill that create new punishment or enhance existing punishment for criminal offenses are the subject of this analysis. Under the provisions of the bill, the punishment for attempting to vote illegally would be enhanced from a Class A Misdemeanor to a State Jail Felony and the punishment for illegal voting would be enhanced from a third degree felony to a second degree felony.

A Class A Misdemeanor is punishable by confinement in a county jail for any term of not more than one year, or, in addition to confinement, a fine not to exceed \$4,000.

A state jail felony is punishable by confinement in a state jail for any term of not more than two years or less than 180 days, or, in addition to confinement, a fine not to exceed \$10,000.

A felony of the third degree is punishable by imprisonment in the institutional division for any term of not more than 10 years or less than 2 years, or, in addition to confinement, a fine not to exceed \$10,000.

A felony of the second degree is punishable by imprisonment in the institutional division for any term of not more than 20 years or less than 2 years, or, in addition to confinement, a fine not to exceed \$10,000.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. In fiscal year 2010, less than five offenders were admitted to prison and less than five offenders were released from prison for illegal voting. In fiscal year 2010, less than five people were under parole supervision for illegal voting. In fiscal year 2010, five offenders were placed on community supervision and less than five offenders were released from community supervision for illegal voting or attempting to vote illegally. In fiscal year 2010, less than five people were arrested for illegal voting or attempting to vote illegally. It is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of State corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, GG, LM, ADM, ESI

TX_00003702
JA_000042

TX 00003702

SENATE

NOTICE OF PUBLIC HEARING

COMMITTEE: Committee of the Whole Senate

TIME & DATE: 1:30 PM, Monday, January 24, 2011

PLACE: Senate Chamber

**PLEASE NOTE THAT THE SENATE WILL CONVENE AT 1:30 P.M.

Upon adoption of the appropriate motion, the Senate will resolve into the Committee of the Whole Senate to consider the following:

SB 14 Fraser/et al.

Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

The Committee will hear invited testimony only on SB 14.

The public is invited to observe the proceedings of the Committee from the Senate Gallery on the 3rd Floor.

For any questions regarding the hearing, please contact Patsy Spaw (512) 463-0100.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTH DAY

(Monday, January 24, 2011)

The Senate met at 1:38 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Hegar.

The President announced that a quorum of the Senate was present.

Chaplain Steven Vaughn, Texas Army National Guard, offered the invocation as follows:

I will say of the Lord, He is my refuge and my fortress, my God, in whom I trust. (Psalm 91:2) Father, today we pause to honor a group of men and women who by their very sacrifice have set themselves apart from all others. We cannot bestow more honor and dignity upon them than they themselves have already earned, but we can say "thank you." We can and do ask Your hand of mercy and love be around them. For those still recovering we ask that You give the doctors the wisdom needed to assist these patriots in their recovery process. We ask also for their families that will walk this road alongside them. Grant them the wisdom and strength to be a pillar of support and love as their loved one makes his or her journey. Now, Father, we humbly ask Your blessings upon our country and our service members currently serving in harm's way. We ask that they might soon be returned to their loved ones. We ask in Your blessed and holy name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

TX_00002663

JA_000044

TX_00002663

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Hegar was granted leave of absence for today on account of illness.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 6**.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1 by Ogden

General Appropriations Bill.
To Committee on Finance.

SB 14 by Fraser, Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams

Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

To Committee of the Whole Senate.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

Austin, Texas
January 20, 2011

STATE OF TEXAS OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation that requires a voter to present proof of identification when voting.

Respectfully submitted,
/s/Rick Perry
Governor
Austin, Texas
January 20, 2011

STATE OF TEXAS OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

TX_00002664
JA_000045

TX_00002664

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation that will provide for a federal balanced budget amendment to the United States Constitution.

Respectfully submitted,

/s/Rick Perry
Governor

Austin, Texas
January 21, 2011

STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation that requires a sonogram before a woman elects to have an abortion so that she may be fully medically informed.

Respectfully submitted,
/s/Rick Perry
Governor

SENATE RESOLUTION 31

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Real County and Texans across the state in celebrating Real County Day at the State Capitol on January 24, 2011; and

WHEREAS, Real County was established in 1913 from parts of Edwards, Bandera, and Kerr Counties, and it was named for Julius Real, the only Republican in the Texas Senate at that time; and

WHEREAS, Situated on the Balcones Escarpment, on the southern edge of the Edwards Plateau, Real County is marked by the rugged terrain and scenic canyons of the Frio and Nueces Rivers; and

WHEREAS, Anglo-American settlers first came to the area in the 1850s, and the military post Camp Wood was established in 1857; ranching soon came to dominate the local economy, with the raising of angora goats and sheep playing a major role; and

TX_00002665
JA_000046

WHEREAS, Today, ranching continues to play a vital role in the economy of Real County, with tourism and hunting also contributing greatly to its prosperity; the county is also known for its pecans; Leakey, the county seat, annually hosts the July Jubilee; and

WHEREAS, Real County Day at the Capitol is an excellent opportunity to celebrate the history and the fine qualities of this area; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the people of Real County on their many contributions to the rich historical legacy of our state and extend to them best wishes for a memorable Real County Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem from the Texas Senate.

SR 31 was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Garry Merritt, Real County Judge; Charles Reagor, Trustee of Leakey ISD; Carl Jensen, Leakey City Councilmember; Charles Hunger, Trustee of Nueces Canyon Consolidated ISD; and Karen Dean, City of Camp Wood.

The Senate welcomed its guests.

PHYSICIANS OF THE DAY

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate members of the Mariachi Los Tigres del Sur of Martin High School in Laredo.

The Senate welcomed its guests.

SENATE RESOLUTION 53

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize and pay tribute to the members of the United States military who have so honorably served our great nation and state in the armed services and join all Texans in observing January 24, 2011, as Wounded Warrior Day at the Texas State Capitol; and

WHEREAS, The soldiers, sailors, airmen, and Marines of the United States military and their families have made extraordinary sacrifices to serve our nation both abroad and within our own borders; and

WHEREAS, Of the 253,049 members of the United States military who are currently deployed around the world, 19,413 are from Texas, and of the 42,167 service members who have been wounded since 2001 in the Iraqi Freedom, Enduring Freedom, and New Dawn Conflicts, 3,622 have been from Texas; and

WHEREAS, We are blessed to honor today the wounded warriors who have returned from these conflicts, including Major John J. Ploch, Staff Sergeant Richard Groff, Staff Sergeant Frank Lamar, Sergeant Juan Carrion, Sergeant Chris Goebel, and Private First Class Kevin Macari; without their willingness to serve and the contributions made by them and their families, we could not enjoy many of the freedoms that make this nation great; and

WHEREAS, These veterans have bravely and selflessly served in defense of our nation and its democratic ideals; with silent dedication and unmatched grit, they ensure our safety and security, and it is indeed fitting that all Texans recognize, honor, and reaffirm their gratitude to these true American heroes; and

WHEREAS, Although these veterans represent many different hometowns and backgrounds, what unites them is greater than what divides them—a deep and abiding love of their country; it is for America and all Americans that they leave their homes and their family and friends in order to guarantee the continuation of those freedoms etched into the Declaration of Independence and ensured by our Constitution; and

WHEREAS, It is for our service members' willingness to serve to protect these freedoms that we honor them; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the wounded warriors of our nation for their sacrifice, dedication, and patriotism, recognizing them, honoring them, and reaffirming the gratitude of all Texans to these true American heroes; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the dedication and sacrifice of the men and women of the United States armed services and their families.

SR 53 was read and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Van de Putte, joined by Senators Estes, Ogden, Davis, and Birdwell, was recognized and introduced to the Senate Sergeant Juan Carrion, Sergeant Chris Goebel, Staff Sergeant Frank Lamar, Private First Class Kevin Macari, and the Purple Heart Warriors present.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Wentworth was recognized and introduced to the Senate Staff Sergeant Richard Groff.

The Senate welcomed its guest.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Major John J. Ploch.

The Senate welcomed its guest.

GUEST PRESENTED

Senator Fraser was recognized and introduced to the Senate Staff Sergeant Floyd L. Hall.

The Senate welcomed its guest.

GUEST PRESENTED

Senator Birdwell was recognized and introduced to the Senate Lieutenant Colonel Tim Karcher of Copperas Cove.

The Senate welcomed its guest.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Chaplain Roger Benimoff of Dallas County.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate Army veterans Joel Jimenez, Paul Miller, and Paul VanLinder.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Van de Putte was again recognized and introduced to the Senate T. P. O'Mahoney, Chair, Texas Veterans Commission; Tom Palladino, Executive Director, Texas Veterans Commission; and Adjutant General Jose Mayorga.

The Senate welcomed its guests.

ACKNOWLEDGMENT

Senator Whitmire acknowledged the following Senators who are veterans: Senator Birdwell, United States Army; Senator Hinojosa, United States Marines; Senator Ogden, United States Marines; and Senator Uresti, United States Marines.

ACKNOWLEDGMENT

Senator Van de Putte acknowledged Lieutenant Governor David Dewhurst, a veteran of the United States Air Force.

SENATE RESOLUTION 41

Senator Williams offered the following resolution:

SR 41, Commending Sergeant James Eddie Wright on his service to our nation.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Williams was recognized and introduced to the Senate Sergeant James Eddie Wright of Conroe.

The Senate welcomed its guest.

SENATE RESOLUTIONS

Senator Hinojosa offered the following resolutions:

SR 75, Commending Ram Chavez on his service to our nation.

The resolution was read.

SR 76, Commending Frank Alaniz on his service to our nation.

The resolution was read.

SR 78, Commending Roberto Callejo on his service to our nation.

The resolution was read.

SR 75, SR 76, and SR 78 were adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Ram Chavez, United States Army, and Frank Alaniz and Roberto Callejo, United States Marine Corps.

The Senate welcomed its guests.

SENATE RESOLUTION 49

Senator Davis offered the following resolution:

SR 49, Commending Master Sergeant Richard Ruffert on his service to our nation.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Davis was recognized and introduced to the Senate Richard Ruffert of Fort Worth, United States Army.

The Senate welcomed its guest.

SENATE RESOLUTION 69

Senator Uresti offered the following resolution:

SR 69, Commending First Sergeant Ruperto Cruz, Jr., on his service to our nation.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Uresti was recognized and introduced to the Senate Ruperto Cruz, Jr., United States Army, Retired, of San Antonio.

The Senate welcomed its guest.

STANDING COMMITTEE APPOINTED

The President announced the appointment of the following committee for the 82nd Legislature:

FINANCE

Ogden, Chair; Hinojosa, Vice-chair; Deuell, Duncan, Eltife, Estes, Lucio, Nelson, Patrick, Seliger, Shapiro, West, Whitmire, Williams, Zaffirini.

SENATE RESOLUTION 79

Senator Duncan offered the following resolution:

WHEREAS, Article III, Section 9, and Article IV, Section 16, of the Texas Constitution and Article XIII of the Senate Rules recognize the existence of the Committee of the Whole Senate; and

WHEREAS, Pursuant to Senate Rule 7.06, the President referred Senate Bill 14, relating to voter identification requirements, directly to the Committee of the Whole Senate; and

WHEREAS, Senate Rule 13.01 provides that it is in order for the Senate at any time after bills and resolutions have been called to resolve itself into a Committee of the Whole Senate; and

WHEREAS, The Senate may adopt by resolution specific procedures to govern the operation of the Committee of the Whole Senate during its consideration of Senate Bill 14; now, therefore, be it

RESOLVED, That the Senate resolve itself into a Committee of the Whole Senate on Monday, January 24, 2011, at the conclusion of the morning call for the consideration of Senate Bill 14; and

RESOLVED, That the Senate may meet as in Committee of the Whole Senate from day to day as necessary; and

RESOLVED, That the following procedures shall apply when in Committee of the Whole Senate for the duration of its consideration of Senate Bill 14:

1. The Committee shall afford reasonable opportunity to interested parties to appear and testify before the Committee.

2. The Chair shall require all parties appearing at the meeting to swear or affirm that the testimony they give to the Committee is true and correct.

3. The Chair may fix the order of appearance and time allotted for each witness unless a majority of the members present directs otherwise.

4. Senate Rules addressing access to the Senate Floor shall be enforced by the Chair while the Committee is meeting, except as follows:

(a) Witnesses appearing before the committee may be admitted to the floor of the Senate as their names are called by the Chair, and may remain only until their testimony is completed.

(b) Each Senator may be assisted by one employee of the Senate within the brass rail at any given time. The Sergeant-at-Arms shall provide seating next to a requesting senator for such authorized employees.

5. Senate Rule 3.04, relating to posters, placards, banners and signs, and Senate Rule 3.05, relating to applause, outbursts, and demonstrations, shall be strictly enforced by the Chair. Subject to approval by the Chair, witnesses may use visual aids as necessary in the presentation of their testimony.

6. Senate Rule 3.01, relating to attire, shall not apply to witnesses.

SR 79 was read and was adopted by the following vote: Yeas 18, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Hegar.

**NOTICE FILED BY LEGISLATOR CONCERNING
RELATIVE WHO IS A LOBBYIST**

Name of Legislator: John Whitmire

A legislator must file a notice before introducing, sponsoring, or voting on a measure or bill if the legislator's spouse, parent, or child is registered as a lobbyist with respect to the subject matter of the measure or bill. Gov't Code § 572.0531.

The notice must be filed with the Texas Ethics Commission and the chief clerk of the house or the secretary of the senate, as applicable. In addition, the spouse or relative must file a notice with the Texas Ethics Commission. A legislator uses this form to provide the notice. A spouse or relative uses FORM LOB-REL.

LOBBYIST NAME AND BILL/MEASURE INFORMATION

Name of registered lobbyist: Whitney Whitmire

Bill, measure, or class of bills or measures with respect to which this notice is required. See attached.

I give notice that I intend to introduce, sponsor, or vote on a bill or measure and my spouse, parent, or child is registered as a lobbyist under Chapter 305 of the Government Code with respect to the subject matter of the bill or measure.

/s/John Whitmire

January 10, 2011

Attachment:

amusements, games, sports; business and commerce; coastal affairs and beaches; communications and press; consumer protection; corporations and associations; disaster preparedness and relief; economic and industrial development; energy; environment; fees and other non-tax revenue; gambling; health and healthcare; highways and roads; insurance; oil and gas; product liability; property interests; taxation; transportation; utilities; vehicles and traffic.

Received by Texas Ethics Commission on January 20, 2011

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Duncan and by unanimous consent, the Senate at 4:18 p.m. resolved into a Committee of the Whole Senate to consider **SB 14** with Senator Duncan presiding.

TX_00002671
JA_000052

(Tuesday, January 25, 2011)
IN LEGISLATIVE SESSION

The President called the Senate to order at 10:44 a.m. as In Legislative Session.

COMMITTEE OF THE WHOLE SENATE REPORT

Senator Duncan was recognized and reported that the Committee of the Whole Senate had met and would continue consideration of **SB 14**.

CO-AUTHOR OF SENATE BILL 121

On motion of Senator Ellis, Senator Carona will be shown as Co-author of **SB 121**.

CO-AUTHORS OF SENATE BILL 124

On motion of Senator Patrick, Senators Carona and Nelson will be shown as Co-authors of **SB 124**.

CO-AUTHORS OF SENATE BILL 178

On motion of Senator Fraser, Senators Deuell, Hegar, and Nichols will be shown as Co-authors of **SB 178**.

CO-AUTHORS OF SENATE BILL 321

On motion of Senator Hegar, Senators Deuell and Eltife will be shown as Co-authors of **SB 321**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 5

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SCR 5**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 15

On motion of Senator Wentworth, Senator Eltife will be shown as Co-author of **SJR 15**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 51 by Van de Putte, In memory of Mary Espiritu of San Antonio.

SR 54 by West, In memory of Charles Key.

SR 57 by Watson, In memory of Hunter Mason Morris.

SR 61 by Uresti, In memory of Maria Rosa Pena of San Antonio.

Congratulatory Resolutions

SR 29 by Harris, Recognizing Danny F. Vance of Arlington on the occasion of his retirement from the Trinity River Authority of Texas.

SR 39 by Ellis, Recognizing East Bethel Missionary Baptist Church in Houston on the occasion of its 85th anniversary.

SR 42 by Van de Putte, Recognizing John J. Ploch for his service to his country.

SR 43 by Van de Putte, Recognizing Juan Carrion for his service to his country.

SR 44 by Van de Putte, Recognizing Frank Lamar for his service to his country.

SR 45 by Van de Putte, Recognizing Kevin Macari for his service to his country.

SR 46 by Van de Putte, Recognizing Chris Goebel for his service to his country.

SR 47 by Van de Putte, Recognizing Richard Groff for his service to his country.

SR 58 by Watson, Recognizing Carlota Vasquez of Austin on the occasion of her 90th birthday.

SR 59 by Ellis, Recognizing Minnie J. and Delbert Ray Jefferson for their 25 years of service to Christian Home Missionary Baptist Church.

SR 62 by Uresti, Recognizing Glenn Ratliff of Monahans on the occasion of his 100th birthday.

SR 63 by West, Recognizing Holy Cross Catholic Church in Dallas on the occasion of the dedication ceremony for the new church sanctuary.

SR 64 by West, Congratulating Travis T. Howard Lewis on being honored by the Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.

SR 65 by Ogden, Recognizing Mark Evans on the occasion of his retirement as Trinity County Judge.

SR 67 by Nelson, Fraser, Huffman, and Lucio, Recognizing the Turquoise Council of Americans and Eurasians on the occasion of its Turkic-Texan Friendship Reception and Awards Dinner.

SR 68 by Ellis, Congratulating Kalamu Ryo Johnson and Jatoi Jones Johnson on the birth of their daughter, Kailah Ryonne Johnson.

SR 70 by Lucio, Recognizing Jose M. Mendoza on the occasion of his retirement from the Brownsville Police Department.

SR 77 by Hinojosa, Recognizing Richard Valent for his service to his country.

SR 80 by Davis, Recognizing James Cash, Jr., for his career as a leader in academia and business.

Official Designation Resolutions

SR 40 by Birdwell, Celebrating January 25, 2011, as Hewitt Day at the State Capitol.

SR 50 by West, Recognizing January of 2011 as National Slavery and Human Trafficking Prevention Month.

SR 66 by Whitmire, Recognizing the Texas Chapter of Paralyzed Veterans Annual BBQ Cook-Off as a Texas State Barbecue Championship competition.

SR 71 by Lucio, Celebrating January 30 through February 5, 2011, as Catholic Schools Week.

SR 73 by Nelson, Recognizing January 23 through January 29, 2011, as Texas Nurse Anesthetists Week.

SR 74 by Nelson, Proclaiming January, 2011, Communities In Schools Month and January 26, 2011, Communities In Schools Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 10:45 a.m. Tuesday, January 25, 2011, adjourned until 11:00 a.m. today.

APPENDIX

RESOLUTIONS ENROLLED

January 19, 2011

SCR 6, SR 24, SR 26, SR 27, SR 28, SR 30, SR 32, SR 33, SR 35, SR 36, SR 37, SR 38

SENT TO GOVERNOR

January 20, 2011

SCR 3

SENT TO SECRETARY OF STATE

January 24, 2011

SCR 6

TX_00002674
JA_000055

TX_00002674

MINUTES

SENATE COMMITTEE ON COMMITTEE OF THE WHOLE SENATE

Monday, January 24, 2011

1:30 PM

Senate Chamber

Pursuant to Article XIII, Senate Rule 13.01, the Senate resolved into the Committee of the Whole at 4:16 p.m., Monday, January 24, 2011, in the Senate Chamber for a public hearing on SB 14.

Pursuant to Senate Rule 13.02, Senator Robert Duncan was named Chair of the Committee of the Whole Senate.

MEMBERS PRESENT:

Lt. Governor David Dewhurst
Senator Brian Birdwell
Senator John Carona
Senator Wendy Davis
Senator Bob Deuell
Senator David Dewhurst
Senator Robert Duncan
Senator Rodney Ellis
Senator Kevin Eltife
Senator Craig Estes
Senator Troy Fraser
Senator Mario Gallegos, Jr.
Senator Chris Harris
Senator Juan Hinojosa
Senator Joan Huffman
Senator Mike Jackson
Senator Eddie Lucio, Jr.
Senator Jane Nelson
Senator Robert Nichols
Senator Steve Ogden
Senator Dan Patrick

MEMBERS ABSENT:

Senator Glenn Hegar

Senate Committee on Committee of the Whole Senate

Minutes

Monday, January 24, 2011

Page 2

Senator Jose Rodriguez
Senator Kel Seliger
Senator Florence Shapiro
Senator Carlos Uresti
Senator Leticia Van de Putte
Senator Kirk Watson
Senator Jeff Wentworth
Senator Royce West
Senator John Whitmire
Senator Tommy Williams
Senator Judith Zaffirini

Pursuant to the passage of Senate Resolution 79, Senator Robert Duncan called the Committee of the Whole Senate to order at 4:16 p.m. There being a quorum present, the following business was transacted:

Senator Duncan outlined the procedures and process for the Committee of the Whole Senate.

The Chair laid out SB 14 by Senator Troy Fraser, relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

The Chair asked Senator Fraser if a committee substitute would be laid out or considered for SB 14. Senator Fraser responded that there would be no committee substitute considered.

Senators Van de Putte raised a parliamentary inquiry about submitting amendments to SB 14. Senator Duncan announced that amendments would be accepted at any time, there would be no deadline for submitting committee amendments to SB 14. Senator Van de Putte asked if members of the public could begin registering at 7:30 a.m. on Tuesday, January 25, 2011. Senator Duncan responded that the public would be able to begin registering at 7:30 a.m. and announced that invited testimony would be limited to ten minutes per person while the time limits for public testimony would be three minutes per person, pending the adoption of the appropriate motion on Tuesday, January 25, 2011.

Senator Ellis was recognized for a question regarding invited testimony and requested that an equal amount of proponents and opponents offering invited testimony on SB 14 be allowed. Senator Duncan responded that he would consider the issue at the appropriate time.

Senate Committee on Committee of the Whole Senate

Minutes

Monday, January 24, 2011

Page 3

Senator Uresti was recognized for a question regarding whether a list of invited persons would be provided to the members. Senator Duncan responded by announcing the names of the resources witnesses that would be available (David Maxwell, Office of the Attorney General's Office; Ann McGeehan, Secretary of State's Office; and Rebecca Davio, Department of Public Safety) and stated that invited persons would be recognized, as follows, one proponent and then one opponent.

Senator Gallegos was recognized for a question about whether or not Spanish speaking staff would be available to assist Spanish speaking members of the public. Senator Duncan responded that arrangements were being made to address his question. Senator Gallegos also asked about the procedures for submitting written testimony, especially, if members of the public cannot attend the hearing. Senator Duncan responded that written testimony can only be submitted and made part of the record up until the bill has been voted out of committee.

With no further questions, at 4:36 p.m., Senator Duncan moved that the Committee of the Whole stand at ease until 8 a.m. on Tuesday, January 25, 2011.

On Tuesday, January 25, 2011, Senator Duncan called the Committee on the Whole to order at 8:05 a.m. There being a quorum present, the following business was transacted:

Senator Duncan once again outlined the procedures and process of SB 14; namely, a ten minute time limit for persons providing invited testimony, the availability of resource witnesses to provide answers for members, and a time limit of three minutes for persons providing public testimony. Senator Duncan recognized the court reporters: Aloma Kennedy and Lorrie Schnoor.

Senator Van de Putte asked Senator Duncan about access to the Senate Chamber for individuals with disabilities. Senator Duncan responded that a wireless microphone and table would be made available to individuals with disabilities.

Senator Duncan recognized Senator Fraser to lay out and explain SB 14, relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

Senator Huffman was recognized for a motion to enter exhibit #1 into the public record (invited and public testimony, exhibits and transcripts on SB 362 as considered by the Texas Senate in March, 2009). Without objection, the motion was adopted by unanimous consent. Senator Davis inquired whether exhibit #1 included the responses received after the March 2009 hearing.

Senate Committee on Committee of the Whole Senate

Minutes

Monday, January 24, 2011

Page 4

Senator Eltife assumed presiding duties at 8:58 a.m.

Senator Duncan resumed presiding duties at 9:05 a.m.

Senator Van de Putte moved to enter exhibit #2 into the record, (all actions contained in the Senate Journals of SB 362, 81st Legislature, 2009, including motions, remarks, written responses, exhibits, and any other materials directly related to SB 362). Without objection, the motion was adopted by unanimous consent.

Senator Fraser moved to enter exhibit #3 into the record, (letter from Hope Andrade, Texas Secretary of State, re: HAVA funds). Without objection, the motion was adopted by unanimous consent.

Senator Seliger moved that the Committee of the Whole rise and report progress at 10:43 a.m. Without objection, it was so ordered.

Senator Robert Duncan, Chair

Patsy Spaw, Secretary of the Senate

TRANSCRIPT OF PROCEEDINGS BEFORE
THE SENATE OF THE STATE OF TEXAS
EIGHTY-SECOND LEGISLATURE
(COMMITTEE OF THE WHOLE SENATE)
AUSTIN, TEXAS

IN RE: §
CONSIDERATION OF §
SENATE BILL 14 §

COMMITTEE OF THE WHOLE SENATE
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on Tuesday, the 25th day of January 2011, the above-entitled matter continued at the Texas State Capitol, Senate Chamber, Austin, Texas, before the Committee of the Whole Senate. The following proceedings were reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim Pence, Certified Shorthand Reporters.

VOLUME 2

PAGES 20 - 542

TX_00000061
JA_000060

TX_00000061

CONSIDERATION OF SENATE BILL 14 1/25/2011

	P R O C E E D I N G S	21
1	TUESDAY, JANUARY 25, 2011	
2	(8:05 a.m.)	
3	CHAIRMAN DUNCAN: The Committee of the	
4	Whole will come to order.	
5	OPENING INSTRUCTIONS BY CHAIRMAN DUNCAN	
6	CHAIRMAN DUNCAN: Members, we talked	
7	yesterday a little bit about the process, and I thought	
8	I would go through that once again so that we'll all	
9	10 kind of know what the plan is.	
11	First of all, I intend to recognize	
12	Senator Fraser in just a moment to lay out the specifics	
13	of Senate Bill 14. And then after he lays the bill out,	
14	then members will be recognized for questions of the	
15	author or co-authors. Then after that is finished, then	
16	our invited testimony will begin. It's the Chair's	
17	intent to place a 10-minute limit on invited testimony.	
18	And then there will be no questions to interrupt the	
19	invited testimony as they're laying out their positions	
20	or their testimony. Then once they're finished, members	
21	will be recognized for questions.	
22	When that's done, we'll have a resource	
23	witness panel that will be available for you. I'm	
24	advised that we have David Maxwell, Deputy Director of	
25	Law Enforcement with the Office of the Attorney General;	
26	1 and Ann McGeehan, Director of Elections, the Secretary	22
2	2 of State's office; and Rebecca Davio, Assistant Director	
3	3 for Driver's License with the Department of Public	
4	4 Safety.	
5	When we have completed the invited	
6	testimony and you've had an opportunity to question	
7	7 those who have been invited, then I will -- I don't	
8	8 think the list is as long as it was last year, but	
9	9 certainly I'm sure there will be discussion among the	
10	10 members concerning their testimony.	
11	Then we'll open up for public testimony.	
12	You will recall last session, we would announce the	
13	names of those who were in line, and you are in line in	
14	order of your registration at the front desk. We will	
15	have those persons escorted down to the well, and then	
16	they will be allowed to begin their testimony.	
17	It's the intent of the Chair to impose a	
18	three-minute time limit on the public testimony as well,	
19	and I will not recognize anyone to interrupt someone	
20	giving public testimony until their time has run. There	
21	is a timer at the front at the secretary's desk. There	
22	will be a warning; I think it's a 30-second warning.	
23	Members, we do have a court reporter,	
24	Ms. Kennedy.	
25	Ms. Kennedy, would you stand so everyone	
26	1 can see you.	24
1	Remember Ms. Kennedy from last time. I	
2	3 think she went 12 or 13 hours.	
3	4 Because we're making a record here,	
4	5 obviously we need to be mindful that the court reporter	
5	6 only has two hands and can only type one person at a	
6	7 time. So the Chair will be careful to help you remember	
7	8 that we cannot have people talking over each other.	
8	9 Also we need to try to identify each other	
9	10 so that -- or identify yourself when you're speaking or	
10	11 I'll try to do that so that the record will be clear as	
11	12 to the source of the comments being recorded.	
12	13 We will take periodic breaks in order to	
13	14 allow the court reporter a little time, but we will move	
14	15 expeditiously as we move through the process.	
15	16 There is a document -- like last session,	
16	17 we will have an orderly process for admitting documents	
17	18 into the record. They will be labeled as exhibits and	
18	19 be referred to in the record and will be received in the	
19	20 record by exhibit number. So when you have an exhibit	
20	21 that you want to introduce into the record, well, then,	
21	22 you'll need to have it marked. And the secretary's desk	
22	23 up here will have a procedure for marking your exhibits	
23	24 and receiving them in the record.	
24	25 Once we have completed the public	
25	26 1 testimony -- and, obviously, we're going to be	24
26	2 interrupted by our Senate session which begins at 11:00.	
27	3 Once we finish the public testimony, then it will be	
28	4 appropriate for you to lay out any amendments that you	
29	5 may wish to have considered by the body.	
30	6 And once that's completed, then,	
31	7 obviously, we will vote on our resolutions to rise and	
32	8 report back to the full Senate.	
33	9 That is basically the layout of the	
34	10 procedure. Any questions?	
35	11 Senator Van de Putte.	
36	12 SEN. VAN de PUTTE: Thank you,	
37	13 Mr. Chairman. Thank you for outlining the process and	
38	14 the procedures that we will be using today. My question	
39	15 is specifically with those members of the public who	
40	16 wish to offer testimony sometimes today who have	
41	17 disabilities. To my knowledge, we have people coming to	
42	18 the floor who are in wheelchairs and will not be able to	
43	19 use the podium. I wanted to ask what sort of amenities	
44	20 or accommodations we will have so that they will be able	
45	21 to have that, but some sort of a table so they can refer	
46	22 to their documents when they're testifying.	
47	23 CHAIRMAN DUNCAN: Thank you, Senator Van	
48	24 de Putte, an excellent question.	
49	25 We do have a wireless mic that will be	

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000062

JA - 000061

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 available for those who cannot access the mic -- at the 2 secretary's desk.</p> <p>3 SEN. VAN de PUTTE: Would it be possible 4 for those members of the public who are offering 5 testimony who have disabilities who are in a wheelchair 6 to have some sort of -- either a table or something so 7 that they can refer to their notes? The problem with 8 last time is that they weren't able to actually, because 9 they don't have use of the podium.</p> <p>10 CHAIRMAN DUNCAN: Senator, we can 11 accommodate that.</p> <p>12 SEN. VAN de PUTTE: Thank you very much, 13 Mr. Chairman.</p> <p>14 CHAIRMAN DUNCAN: Members, also I forgot 15 to mention, the resolution that we passed yesterday 16 allows us to have a staff person on the floor to assist 17 us. And so if you wish to have that person sit, well, 18 then, you'll need to ask the sergeant for a chair, and 19 we have chairs available back there.</p> <p>20 Any other questions?</p> <p>21 All right. The Chair hears none.</p> <p>22 Senator Fraser, you're recognized to 23 explain Senate Bill 14.</p> <p>24</p> <p>25</p>	<p>25</p> <p>1 margin of difference."</p> <p>2 Texas today has a legitimate interest in 3 protecting elections. It is imperative that we protect 4 the public's confidence in elections by deterring and 5 detecting voter fraud.</p> <p>6 In upholding the Indiana photo ID law, the 7 U.S. Supreme Court stated, "Confidence in the integrity 8 of our electoral process is essential to the functioning 9 of our participatory democracy. Voter fraud drives 10 honest citizens out of the democratic process and breeds 11 distrust of our government. Voters who fear the 12 legitimate votes will be outweighed by fraudulent ones, 13 will feel disenfranchised."</p> <p>14 On October 10, Lighthouse poll, which I 15 have here and be entering into the record -- it's the 16 newest poll that is out -- shows that 86 percent of 17 Texas voters -- that's both Republican and Democrats -- 18 favor voter photo ID laws.</p> <p>19 The bill that we're laying out today is in 20 compliance with the U.S. Supreme Court Decision which 21 upheld the Indiana voter ID legislation because it, 22 No. 1, deters and detects fraud; 2, it protects the 23 confidence in elections; and, 3, it counts only eligible 24 voters' votes.</p> <p>25 It also complies with the Supreme Court</p>
<p>26</p> <p>1 LAYING OUT OF SENATE BILL 14</p> <p>2 SEN. FRASER: Thank you, members.</p> <p>3 Obviously, this is an issue that we know a lot about, we 4 had a lot of experience with two years ago. The issue I 5 think has been defined and talked about a lot.</p> <p>6 I think we all recognize the dangers of 7 voter fraud has threatened the integrity of the 8 electoral process for the entire history of the United 9 States. The threat continues today. In 2005, there was 10 a Commission, a bipartisan commission, the Carter-Baker 11 Commission, that was appointed by the Election 12 Commission. Of course, President Carter, a past 13 president; James Baker, Secretary of State, they 14 reaffirmed the dangers by saying, "Elections are at the 15 heart of democracy. Americans are losing confidence in 16 the fairness of elections. And while we do not face a 17 crisis today, we need to address the problem of our 18 electoral system."</p> <p>19 The Commission concluded at the end of the 20 day, "There is considerable national evidence of 21 in-person voter fraud. And regardless of whether one 22 believes that voter impersonation is widespread or 23 relatively rare, there can be no serious dispute that 24 the real effect can be substantial because in a close 25 election, even a small amount of fraud could make the</p>	<p>26</p> <p>28</p> <p>1 decision, because it offset burdens on voters by 2 providing access to free ID cards, allowing for 3 provisional ballots and absentee ballots, ensuring that 4 obtaining photo ID is no more inconvenient or burdensome 5 than the usual act of voting and providing an exception 6 for elderly voters.</p> <p>7 The current law, as you know, provides 8 that when a voter shows up to vote, he or she must just 9 show a valid voter registration card. If unable to do 10 so, the voter may show a photo ID card or other official 11 mail from a government entity -- utility bill, bank 12 statement, government check, paycheck or other 13 government document with name and address -- and sign an 14 affidavit.</p> <p>15 Senate Bill 14, what we're doing with this 16 bill, Senate Bill 14 would require a voter to show a 17 photo ID except that people 70 or older on January 1, 18 2012, may continue to vote with just a registration 19 card, under current law.</p> <p>20 Acceptable ID will include an unexpired 21 card issued by the Department of Public Safety, a 22 military ID, a passport or a citizenship certificate 23 with photo. Voters who cannot produce an acceptable 24 form of photo identification will be allowed to cast a 25 provisional ballot. That ballot will be counted if the</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000063

JA_000062

TX_00000063

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 voter returns within six days to show a photo ID.</p> <p>2 It would also provide for statewide</p> <p>3 training and notification of the changes required for</p> <p>4 the individual to vote with the photo ID. It would</p> <p>5 provide for a free DPS-issued identification card to any</p> <p>6 registered voter who requests an identification card.</p> <p>7 Every fraudulent vote effectively still is</p> <p>8 a legitimate vote. Elections are too important to leave</p> <p>9 unprotected when the Legislature could take proactive</p> <p>10 steps to prevent fraud and protect our democracy.</p> <p>11 Mr. President, that is what Senate Bill 14</p> <p>12 does. And if there's no questions, I would move</p> <p>13 passage.</p> <p>14 SEN. WHITMIRE: Mr. President --</p> <p>15 SEN. VAN de PUTTE: Yes.</p> <p>16 SEN. WHITMIRE: -- could we slow down?</p> <p>17 Will the gentleman yield?</p> <p>18 CHAIRMAN DUNCAN: I think Senator Van de</p> <p>19 Putte was first on the list, Senator.</p> <p>20 Senator Van de Putte.</p> <p>21 SEN. VAN de PUTTE: Thank you,</p> <p>22 Mr. Chairman, I think. Mr. Chairman, inquiry. At what</p> <p>23 point in the proceedings today would a motion be in</p> <p>24 order to move that all of the testimony and record from</p> <p>25 this issue from the 2009 legislative session be made</p>	<p>29</p> <p>1 CHAIRMAN DUNCAN: Senator Fraser, why</p> <p>2 don't we approach the chair; approach.</p> <p>3 (off-the-record discussion at bench)</p> <p>4 CHAIRMAN DUNCAN: The Chairman recognizes</p> <p>5 Senator Huffman for motion in writing.</p> <p>6 SEN. HUFFMAN: Thank you, Mr. Chairman.</p> <p>7 At this time I move that the entire record</p> <p>8 and transcripts of the hearing related to Senate Bill</p> <p>9 362 heard by the Committee of the Whole during the 81st</p> <p>10 Legislative session be included in the record and would</p> <p>11 move that it marked as Exhibit No. 1.</p> <p>12 Exhibit No. 1 includes all the invited,</p> <p>13 public and written testimony, in addition to all of the</p> <p>14 exhibits submitted by the members during the hearing on</p> <p>15 Senate Bill 362. The previous testimony and debate on</p> <p>16 Senate Bill 362 is relevant, because then and now the</p> <p>17 objective is to create legislation that protects the</p> <p>18 integrity and reliability of the electoral process.</p> <p>19 It includes 870 pages of transcribed</p> <p>20 testimony. There were 13 invited witnesses plus two</p> <p>21 resource witnesses, 36 public witnesses and 29 written</p> <p>22 articles presented. So it includes all the exhibits as</p> <p>23 well, submitted by members during the 81st legislative</p> <p>24 session on the Committee of the Whole, which totals 55</p> <p>25 total exhibits.</p>
<p>1 into the record? Would that be done -- would that</p> <p>2 motion be proper at the point of original testimony or</p> <p>3 at the beginning of these questions at this point?</p> <p>4 CHAIRMAN DUNCAN: Senator, at any time</p> <p>5 that one would want to make that motion, it would be</p> <p>6 recognized.</p> <p>7 SEN. VAN de PUTTE: Mr. Chairman, would</p> <p>8 you recognize me for that motion at this time?</p> <p>9 SEN. FRASER: Mr. Chairman --</p> <p>10 CHAIRMAN DUNCAN: Before we do that, we do</p> <p>11 have a motion in writing that Sen. Huffman intends to</p> <p>12 introduce with the record, so why don't we do that first</p> <p>13 and then we'll do everything else. And it would be my</p> <p>14 suggestion to -- and what I had hoped to do was finish</p> <p>15 the testimony or at least the question and answers on</p> <p>16 the bill and then start at that point in time putting</p> <p>17 evidence into the record. So if that's suitable with</p> <p>18 everyone, it just makes a little more sense to me to</p> <p>19 keep it in order that way.</p> <p>20 SEN. VAN de PUTTE: Thank you,</p> <p>21 Mr. Chairman.</p> <p>22 And then I would like to ask my colleague,</p> <p>23 the author of the bill, to yield.</p> <p>24 CHAIRMAN DUNCAN: Okay.</p> <p>25 SEN. FRASER: Mr. Chairman, before we --</p>	<p>30</p> <p>1 At this time I move for introduction of</p> <p>2 Exhibit No. 1 into the Committee of the Whole's records.</p> <p>3 (Exhibit No. 1 marked)</p> <p>4 CHAIRMAN DUNCAN: Members, you've heard</p> <p>5 the motion. Is there any objection to the motion?</p> <p>6 SEN. DAVIS: Question.</p> <p>7 CHAIRMAN DUNCAN: Senator Davis, do you</p> <p>8 have a question?</p> <p>9 SEN. DAVIS: Yes.</p> <p>10 Senator Huffman, during the debate on the</p> <p>11 Senate floor last session, a number of questions could</p> <p>12 not be answered by some of the resource witnesses at the</p> <p>13 moment that they were asked; and, instead, there was a</p> <p>14 follow-up. For example, the Secretary of State's office</p> <p>15 and the Attorney General's office wrote follow-up</p> <p>16 answers to some of the questions that they were not</p> <p>17 prepared to ask during the hearing. Does your motion in</p> <p>18 writing include the inclusion of those written responses</p> <p>19 that were provided to the Senate after the hearing took</p> <p>20 place?</p> <p>21 SEN. HUFFMAN: I am not advised on that,</p> <p>22 but I would certainly have no objection and would move</p> <p>23 for all of that to be included in the record, because I</p> <p>24 think it would certainly make it, you know, more</p> <p>25 complete and certainly would be relevant.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000064

JA_000063

TX_00000064

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 The record has been certified by Patsy 2 Spaw, the Secretary of the Senate, and so we might check 3 with her to see if that was done. If not, we could 4 certainly make sure that it was placed in Exhibit No. 1 5 as part of the record.</p> <p>6 SEN. DAVIS: Thank you. I would 7 appreciate that.</p> <p>8 CHAIRMAN DUNCAN: I suggest that it be 9 Exhibit 1A, if there are additional information, so that 10 it can be kept separate from what you are going to 11 introduce in your motion in writing as Exhibit 1.</p> <p>12 SEN. HUFFMAN: Yes, sir.</p> <p>13 CHAIRMAN DUNCAN: Okay. Is there any 14 objection to Exhibit 1 being included in the record?</p> <p>15 All right. The Chair hears none. Exhibit 16 1 will be included in the record.</p> <p>17 (Exhibit No. 1 admitted)</p> <p>18 CHAIRMAN DUNCAN: All right. Sen. Van de 19 Putte.</p> <p>20 SEN. VAN de PUTTE: Thank you, 21 Mr. Chairman.</p> <p>22 QUESTIONS FROM SENATE FLOOR</p> <p>23 SEN. VAN de PUTTE: Would the gentleman 24 yield, the author of the bill yield?</p> <p>25 SEN. FRASER: I would yield.</p>	<p>33</p> <p>1 I understand it, this year's model is fashioned after 2 the Indiana law?</p> <p>3 SEN. FRASER: And I think you actually 4 have made the point that I was going to make. Two years 5 have passed. Since that time, we've had, you know, 6 obviously, the confirmation by the Supreme Court on the 7 photo ID and then also the preclearance of the Georgia 8 bill by Dale Jays (phonetic).</p> <p>9 So looking at, you know, the experience of 10 the bill in place, the simplicity of the photo ID, we 11 chose to go with that. And as you will remember, the 12 recommendation by President Carter and Secretary of 13 State Baker was, you know, the national photo ID, and 14 that's what we're attempting to implement.</p> <p>15 SEN. VAN de PUTTE: Thank you. 16 Mr. Chairman.</p> <p>17 And a few other questions. With the 18 Carter-Baker Commission, they felt very strongly about 19 encouraging the maximum participation in voter and 20 suggested the type of strategies that we're using. But 21 the addendum for both gentlemen and the members of the 22 commission were that they, as I recall, and entered into 23 the record during last legislative session, was that the 24 conclusion of the commission was that we should not 25 implement the type of photo identification until you had</p>
<p>34</p> <p>1 SEN. VAN de PUTTE: Thank you. Thank you, 2 Mr. Chairman.</p> <p>3 And thank you, Senator Fraser.</p> <p>4 Senator Fraser, this is kind of like a 5 dance where we have another song, another round, and so 6 we find ourselves with another year and this version of 7 the voter identification bill. And I wanted to ask you 8 a few questions.</p> <p>9 Given the fact that the bill that was 10 debated during the 81st Legislature was a different 11 bill, can you tell me the model for the bill that was in 12 the 81st Legislature and the differences in what you 13 have proposed in this legislative session?</p> <p>14 SEN. FRASER: Well, if you don't mind, the 15 bill before us today is Senate Bill 14, and I will 16 probably spend my time talking about that bill. The 17 bill you're addressing, obviously, didn't get through 18 the process. So I'm going to be addressing the comments 19 on Senate Bill 14 which is before us. So I would be 20 glad to describe it, if you would like.</p> <p>21 SEN. VAN de PUTTE: Well, my question has 22 to deal with -- I understand that since last we met, 23 there are two years and different court cases. And the 24 bill that was before this body last legislative session 25 was modeled on a Georgia law and used the template. And</p>	<p>34</p> <p>1 universal registration, and I believe that was one. But 2 given that or not, what I really wanted to ask you is --</p> <p>3 SEN. FRASER: Hold on a second. I'm 4 sorry. I disagree with that. That is not what the 5 commission said. And if you would like to correct that, 6 but I disagree.</p> <p>7 SEN. VAN de PUTTE: The State of Georgia 8 is under two sections of the Voting Rights Act, as is 9 Texas. Is that correct?</p> <p>10 SEN. FRASER: They are a Section 5 voting 11 rights state like Texas.</p> <p>12 SEN. VAN de PUTTE: And to your knowledge, 13 is the State of Indiana subject to Section 5 of the 14 Voting Rights Act?</p> <p>15 SEN. FRASER: To my knowledge, they are 16 not.</p> <p>17 SEN. VAN de PUTTE: So Indiana would have 18 a different burden of proof under a legal document and a 19 legal challenge than the State of Georgia?</p> <p>20 (Brief pause)</p> <p>21 SEN. FRASER: I'm sorry. I was asking for 22 some data. Would you reask the question, please.</p> <p>22 SEN. VAN de PUTTE: The State of Indiana, 23 which your bill is modeled after, without two alternate 24 forms of identification; whereas, the Georgia bill that</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000065

JA_000064

TX_00000065

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 we talked about last legislative session had two -- 2 certainly had a photo identification, but if the voter 3 was unable to produce a photo identification, they could 4 produce for the election judges two forms of 5 identification without, and it was utility bill and -- 6 in fact, the things that you struck here.</p> <p>7 But in Indiana that requirement is not 8 there, so we went with the Indiana bill. But my 9 question is, Indiana is not subject to Section 5 of the 10 Voting Rights Act. So their legal hurdle to the 11 Department of Justice challenge is very different than 12 what happened in the State of Georgia. Is that correct?</p> <p>13 SEN. FRASER: The Indiana law has been 14 approved by the U.S. Supreme Court, the Georgia law was 15 precleared by the Department of Justice, and both of 16 those have gone through that challenge.</p> <p>17 SEN. VAN de PUTTE: Senator Fraser, when 18 this legislature passes the voter identification bill -- 19 and there is no doubt that this bill will pass -- it 20 will have to proceed to the Department of Justice for 21 clearance?</p> <p>22 SEN. FRASER: As a Section 5 state, we are 23 subject to Section 5 rules.</p> <p>24 SEN. VAN de PUTTE: So, yes, it will 25 proceed to the Department of Justice?</p>	<p>37</p> <p>1 with that, is that the Georgia law that I have in front 2 of me said it is a photo ID. Do you have something that 3 shows differently?</p> <p>4 SEN. VAN de PUTTE: Yes. In the Georgia 5 bill, you have to have a photo ID. However --</p> <p>6 SEN. FRASER: I realize you're saying 7 that, but do you have -- you know, do you --</p> <p>8 SEN. VAN de PUTTE: The bill that you 9 introduced last year had the two alternate forms of ID, 10 which was exactly the Georgia bill. We used the model 11 of the Georgia bill.</p> <p>12 SEN. FRASER: And that bill is not before 13 us today; Senate Bill 14 is before us.</p> <p>14 SEN. VAN de PUTTE: That's correct. And 15 so my question is --</p> <p>16 SEN. FRASER: And I would ask you, did you 17 vote for that bill last year?</p> <p>18 SEN. VAN de PUTTE: No, sir, I didn't.</p> <p>19 SEN. FRASER: Okay.</p> <p>20 SEN. VAN de PUTTE: But my question is, do 21 you have any concerns that we will offer to the 22 Department of Justice a bill, a voter identification 23 bill that is modeled after a state law that does not 24 have to go through Section 5, rather than a Georgia 25 model which already has been proven and has been</p>
<p>1 SEN. FRASER: We are a Section 5 voter 2 rights state, and we will be subject to those laws.</p> <p>3 SEN. VAN de PUTTE: And do you have any 4 concerns that a Section 5 state as Texas would offer to 5 the Department of Justice a voter identification bill 6 that mirrors a non-Section 5 state rather than something 7 that has already been upheld in the Georgia law, a 8 Section 5 state?</p> <p>9 SEN. FRASER: We are offering a bill that 10 has been approved by the U.S. Supreme Court. And the 11 parameters that the Supreme Court set, we meet all of 12 those tests.</p> <p>13 SEN. VAN de PUTTE: However, in the 14 Indiana court and in the Supreme Court case on Indiana, 15 what they said was, the undue burden was -- did not be 16 demonstrative because they did not have the level of 17 minority voters, that was never a check point, because 18 they did not have to go through the Department of 19 Justice. Is that correct?</p> <p>20 SEN. FRASER: I'm sorry. I'm having 21 equipment failure here. Just a second.</p> <p>22 (Brief pause)</p> <p>23 SEN. FRASER: Senator, I'm sorry. I'm 24 asking for data, backup data, because the information 25 that you're addressing, my information doesn't agree</p>	<p>38</p> <p>1 affirmed, both in the court case and the Department of 2 Justice? That was my question. Do you have any concern 3 that we will have done all of this debate and work, and 4 certainly to ensure the ballot security, only to be shut 5 down at the Department of Justice, because we are a 6 Section 5 state and what we're offering in your bill is 7 not something that has been approved by the Department 8 of Justice?</p> <p>9 SEN. FRASER: I have no concern about 10 Senate Bill 14, both going before the U.S. Supreme Court 11 or going before the Department of Justice.</p> <p>12 SEN. VAN de PUTTE: Thank you, Senator 13 Fraser. I wanted to ask a little bit of your thinking. 14 And in the bill that you have before us, the student 15 identifications were omitted from your list of 16 acceptable documentation. And could you give me the 17 rationale why a student photo identification is not 18 acceptable form of identification?</p> <p>19 SEN. FRASER: The types of identification 20 we've included are one from a government entity that 21 would identify that person as who they are, that they 22 say they are, they're a valid voter and a citizen of the 23 United States, and these are the ones that we have 24 suggested that would be acceptable.</p> <p>25 SEN. VAN de PUTTE: So the rationale for</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000066

JA_000065

TX_00000066

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">41</p> <p>1 not having student identification cards on the list, 2 since you omitted them, is because they aren't issued by 3 a governmental entity?</p> <p>4 SEN. FRASER: I didn't say that.</p> <p>5 SEN. VAN de PUTTE: I'm sorry. Can you 6 repeat your answer.</p> <p>7 SEN. FRASER: I said I did not say that.</p> <p>8 SEN. VAN de PUTTE: So why were the 9 student identifications -- you explained that the 10 student identifications were omitted from the list of 11 acceptable documentation, because it was not a 12 government entity.</p> <p>13 SEN. FRASER: The four types of 14 identification that we are offering up we believe are 15 less confusing, they're simpler for both voters and 16 election voters. Everyone knows what they look like. 17 There is a standardization of those, and they all look 18 alike and it would be less confusing for the systems who 19 are accepting the voter IT.</p> <p>20 SEN. VAN de PUTTE: And, Senator Fraser, 21 one of the provisions in your bill also omits birth 22 certificates from the list of acceptable forms of 23 identification, even though that does come from 24 government entities. And so why is it that birth 25 certificates were omitted?</p>	<p style="text-align: right;">43</p> <p>1 SEN. FRASER: We've actually got two 2 different -- you know, kind of an overlap here. We've 3 got the Department of Public Safety that I believe 4 Senator Williams is going to be answering questions, 5 because that's his area. And then we also have the 6 Secretary of State available as a resource that I think 7 you can ask that question.</p> <p>8 SEN. VAN de PUTTE: Senator Fraser, under 9 Senate Bill 14, your voters can cast a provisional 10 ballot. Under the Indiana bill, that is set at a 10-day 11 cure. Why is it that you chose a six-day cure?</p> <p>12 SEN. FRASER: And you'll remember, the 13 Georgia law is only 48 hours, two days. They went 10 14 days; the Georgia law went two days. We decided that 15 six days should be sufficient to come back.</p> <p>16 SEN. VAN de PUTTE: And as I understand 17 it, the Georgia law does have a 48, but they can use two 18 alternate forms of ID which are not in your bill. So 19 what sort of --</p> <p>20 SEN. FRASER: I'm sorry. You know, you 21 keep saying that. You need to pull up the data to show 22 me that, please.</p> <p>23 SEN. VAN de PUTTE: So to prove their 24 provisional ballot is correct and the six-day cure, what 25 documentation does your bill have that is acceptable?</p>
<p style="text-align: right;">42</p> <p>1 SEN. FRASER: This is requiring a photo 2 ID, current photo ID.</p> <p>3 SEN. VAN de PUTTE: Senator Fraser, are 4 there any provisions in the bill to accommodate a voter 5 that has a different address on their photo 6 identification and their voter registration card?</p> <p>7 SEN. FRASER: The Secretary of State is 8 here as a resource witness, and I'm sure they will be 9 glad to answer that.</p> <p>10 SEN. VAN de PUTTE: No, I'm not asking the 11 difference. I'm asking, is there any provision in 12 Senate Bill 14?</p> <p>13 SEN. FRASER: It is not addressed, because 14 that is taken care of by the Secretary of State, that we 15 don't address that in the bill. That would be by an 16 interpretation of rule of the Secretary of State. They 17 will be here, and you can ask them that question.</p> <p>18 SEN. VAN de PUTTE: So also you would 19 prefer that we ask the Secretary of State what sort of 20 provision, since your bill is silent on different last 21 names?</p> <p>22 SEN. FRASER: Again, that's a question 23 that --</p> <p>24 SEN. VAN de PUTTE: So, for example, women 25 that got married?</p>	<p style="text-align: right;">44</p> <p>1 SEN. FRASER: Photo ID.</p> <p>2 SEN. VAN de PUTTE: So only a photo 3 identification. So they would have to --</p> <p>4 SEN. FRASER: The acceptable photo IDs 5 that are outlined in the bill would be an acceptable 6 form, yes.</p> <p>7 SEN. VAN de PUTTE: Senator Fraser, do you 8 know right now in the State of Texas, we're able to cast 9 provisional ballots? That's correct, isn't it?</p> <p>10 SEN. FRASER: I'm sorry. Ask that again.</p> <p>11 SEN. VAN de PUTTE: Current election law 12 allows Texas voters to cast a provisional ballot. Is 13 that correct?</p> <p>14 SEN. FRASER: I'm sorry. That is another 15 question I think you should ask the Secretary of State. 16 It is my belief that, but I'm sorry, I don't want to 17 answer that. You can, if you don't mind, ask the 18 Secretary of State.</p> <p>19 SEN. VAN de PUTTE: Thank you, Senator. 20 Since it's based on Indiana law, do you believe that the 21 State of Texas has a greater minority population than 22 the State of Indiana?</p> <p>23 SEN. FRASER: I'm not advised.</p> <p>24 SEN. VAN de PUTTE: To your knowledge, 25 have any studies been done to determine if there has</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000067

JA_000066

TX_00000067

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">45</p> <p>1 been, under current Texas voter laws, any impact that it 2 would have on affected class of Latino and 3 African-American voters?</p> <p>4 SEN. FRASER: The bill that I'm laying out 5 today is a model that has been approved by the U.S. 6 Supreme Court, it has been precleared by the Department 7 of Justice in Georgia. It will deter fraud. We're 8 providing free access of cards. And, yes, we believe 9 this will protect confidence in election in making sure 10 only eligible voters are counted.</p> <p>11 SEN. VAN de PUTTE: Senator Fraser, on the 12 availability of free identification cards, is there a 13 means test, or what sort of proof do citizens have to 14 give to the Department of Public Safety to be able to 15 get a free identification card under your bill?</p> <p>16 SEN. FRASER: The Department of Public 17 Safety is here as a resources witness. Senator Williams 18 is also here. That's his area of expertise. If you 19 have a question about that, if you would like, I will 20 yield to Senator Williams now or you can wait and ask 21 the DPS when it comes up.</p> <p>22 SEN. VAN de PUTTE: Well, right now the 23 DPS I don't think gives free IDs. But in your bill, 24 what sort of process or documentation can voters use to 25 get a free identification card, in your bill? What are</p>	<p style="text-align: right;">47</p> <p>1 SEN. WATSON: Thank you, Mr. Chair. 2 Will the senator yield for a couple of 3 questions? Oh, I'm sorry.</p> <p>4 SEN. FRASER: One second, please. Are you 5 wanting me to yield?</p> <p>6 SEN. WATSON: Yes --</p> <p>7 SEN. FRASER: Hold on a second, please.</p> <p>8 SEN. WATSON: -- if you don't mind.</p> <p>9 (Brief pause)</p> <p>10 (Senator Whitmire speaking without mic)</p> <p>11 SEN. FRASER: Do you have the floor now?</p> <p>12 (Senator Whitmire speaking without mic)</p> <p>13 SEN. FRASER: No, you're asking questions 14 over here.</p> <p>15 (Senator Whitmire speaking without mic)</p> <p>16 SEN. FRASER: Making sure I get the 17 answers correct.</p> <p>18 I will yield now.</p> <p>19 SEN. WATSON: Thank you, Chairman Fraser.</p> <p>20 I want, if you don't mind, to ask about 21 the fiscal note for just a second. The fiscal note that 22 was attached to your bill, Senate Bill 14, indicates 23 that the fiscal implication to the state is anticipated 24 to be \$2 million. Is that correct?</p> <p>25 SEN. FRASER: Could you hold one second.</p>
<p style="text-align: right;">46</p> <p>1 the --</p> <p>2 SEN. FRASER: If you would like I can 3 yield to Senator Williams or we can wait and have the 4 DPS. Our instruction is the bill, is that they will 5 issue an ID card and they will not charge. That is very 6 clear to the DPS. And if you want to ask how that will 7 be done, they will be coming up, and you will be able to 8 ask that question. Or if you would like for me to yield 9 to Senator Williams, we'll let him answer that.</p> <p>10 SEN. VAN de PUTTE: No, Senator. Thank 11 you. I appreciate this is just a different bill from 12 last legislative session, and I was trying to get at 13 least some of your thinking of why you went with a 14 different bill than last year, a more restrictive, a far 15 more restrictive bill than what we debated last 16 legislative session. And I look forward to the 17 questions, I look forward to the testimony today, but I 18 don't have any other further questions.</p> <p>19 And I'm sure some of my colleagues have 20 questions, both of the author of the bill and any of the 21 other senators that have certain sections that they have 22 got expertise on.</p> <p>23 But thank you very much, Mr. Chairman. I 24 don't have any other further questions.</p> <p>25 CHAIRMAN DUNCAN: Senator Watson?</p>	<p style="text-align: right;">48</p> <p>1 SEN. WATSON: Sure.</p> <p>2 SEN. FRASER: I need to pull the data 3 here.</p> <p>4 (Brief pause)</p> <p>5 SEN. FRASER: Senator, I was just 6 verifying. We spent a lot of time last night talking 7 about this. I think you're aware that the HAVA funds 8 that come from the federal government, which I believe 9 are Help America Vote Institute, I guess it is, Help 10 America Vote, the HAVA, there are funds that come to 11 every state to the secretary of state. We have a fund 12 that is setting in the Secretary of State's office that 13 would be more than sufficient to handle this.</p> <p>14 In other states like Indiana and Georgia, 15 the HAVA funds have been used before. We have requested 16 that those funds be available for this. They advised us 17 back, until the passage of the bill, they can't approve 18 the funds. But the assumption is that those funds are 19 before the Secretary of State, and they will be here at 20 some point. You can ask them about those funds, the 21 parameters, but it is our belief that the HAVA funds 22 will be available for this and would offset the fiscal 23 note.</p> <p>24 SEN. WATSON: I appreciate that answer. 25 My question was, it's a \$2 million fiscal note. Right?</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000068

JA_000067

TX_00000068

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 SEN. FRASER: Right now the fiscal note 2 that was delivered is \$2 million, yes.</p> <p>3 SEN. WATSON: Okay. And that's what I 4 really wanted to ask about. And I'll talk about the 5 fact that y'all want to take some federal funds, here in 6 a second. But first of all, last session when we were 7 talking about the fiscal note, my memory was and is, 8 that at the beginning of the session when you filed the 9 bill last session, there was a zero fiscal note, and 10 then that got changed to the same as it is right now, a 11 \$2 million fiscal note for voter awareness, and it was 12 exclusively for voter awareness in the second fiscal 13 note.</p> <p>14 Can you tell me what analysis has gone 15 into coming up with how much money should be spent on 16 voter awareness and voter education regarding this bill, 17 in order to get to that \$2 million?</p> <p>18 SEN. FRASER: I think the analysis on this 19 comes from the Secretary of State's office, and I'm sure 20 they will be glad to answer your question. Two years 21 ago before we started, we advised them that we needed 22 voter education. If you remember in the bill, we 23 discussed in that when we were discussing that, that we 24 needed to have an appropriation for that.</p> <p>25 I think Senator Ogden stood up and talked</p>	<p>49</p> <p>1 fee. If any eligible voter comes in or submits a 2 registration application, they can then avoid what is 3 the typical \$15 fee?</p> <p>4 SEN. FRASER: Senator, have you seen the 5 numbers that have been collected by DPS on the number of 6 eligible voters that have registered since 2006, the 7 ones that registered with a driver's license or a 8 driver's license and a social security card that 9 identified the number of people registering --</p> <p>10 SEN. WATSON: Yes.</p> <p>11 SEN. FRASER: -- that already had 12 identification? So the question you're asking is, the 13 universe we're talking about we believe is very, very, 14 very small. In fact, the Carter Commission, after the 15 implementation in both Indiana and Georgia, and actually 16 Mississippi they looked at, they found that only 1.2 17 percent of people did not have, already have a photo ID 18 available, so the universe of this, so the 19 question you're asking --</p> <p>20 SEN. WATSON: Then why don't we talk about 21 specific numbers. With you talking about those numbers, 22 you're probably aware that in 2007, House Bill 218 was 23 offered. It was referred to the committee, the Senate 24 Committee on State Affairs. And in that one, which was 25 HB 218, DPS talked specifically about identification</p>
<p>1 about the fact that they would be willing to make sure 2 that there was money there. Since then, we have been 3 made aware that the Secretary of State not only I think 4 has a plan for doing that but also a plan for requesting 5 the funds from HAVA.</p> <p>6 SEN. WATSON: Well, I'll ask about that. 7 So, then, let me ask you another question. You 8 indicated in your opening comments that -- and I've read 9 your legislation -- under this bill, everyone gets a 10 free identification card if they come in and ask for a 11 free identification card, they show a voter registration 12 card and/or they apply for a registration card. That 13 \$2 million that you've just talked about doesn't include 14 the cost, any of the cost for providing these free 15 identification cards, does it?</p> <p>16 SEN. FRASER: I'm sorry. I was doing 17 something else. Would you ask that last question again, 18 please.</p> <p>19 SEN. WATSON: Does the \$2 million in the 20 fiscal note include any of the cost of providing free 21 identification cards?</p> <p>22 SEN. FRASER: To my knowledge, it does 23 not.</p> <p>24 SEN. WATSON: And, in fact, there is no 25 means test and your bill forbids DPS from collecting a</p>	<p>50</p> <p>1 cards and it put a fiscal note, it believed that it 2 would be \$1.3 million per biennium or \$4 million every 3 six years out of the highway fund. Were you familiar 4 with that?</p> <p>5 SEN. FRASER: Senator, you're getting into 6 an area that's outside of my area of expertise. We have 7 the person that's in charge of that. You've got two 8 choices. Either you can ask that question of DPS as a 9 resource when it comes up, or I will yield to Senator 10 Williams right now and he can answer your question.</p> <p>11 SEN. WATSON: Senator, if you would answer 12 that question.</p> <p>13 SEN. FRASER: I now yield to Senator 14 Williams.</p> <p>15 SEN. WILLIAMS: I just want to be sure 16 I've got your question right.</p> <p>17 SEN. WATSON: Sure. Since we're talking 18 about numbers here -- and I'm trying to get a feel for 19 what the cost of this is -- in House Bill 218 in the 20 2007 -- the 80th legislative session, there was a bill 21 filed that dealt with the provision of identification 22 cards. And in that one, the LBB indicated the fiscal 23 note would be \$1.3 million or \$4 million every year 24 coming out of the highway fund. Are you familiar with 25 that?</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000069

JA_000068

TX_00000069

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 SEN. WILLIAMS: I'm not familiar with 2 House Bill 218. But, you know, I take what you're 3 saying --</p> <p>4 SEN. WATSON: Sure. Okay.</p> <p>5 SEN. WILLIAMS: -- at value.</p> <p>6 SEN. WATSON: And since I anticipate that 7 there would be deferral to you on the next question, 8 too, let me just go ahead and ask that. Last session, 9 in the 81st session, there was a bill by -- it was HB 10 2335 that indicated, similar to what Senate Bill 14 does 11 not, that there couldn't be a fee charged for issuing a 12 document that someone might use as proof of their 13 identification for purposes of voting. In the fiscal 14 note there, the LBB singled out DPS identification 15 cards, which is what we're talking about here, and 16 assumed that if everyone used those, the number they 17 came up in that fiscal note was \$47 million over five 18 years. Are you familiar with that one?</p> <p>19 SEN. WILLIAMS: I'm not familiar with 20 that --</p> <p>21 SEN. WATSON: Okay.</p> <p>22 SEN. WILLIAMS: -- particular bill. But 23 what I can tell you is that the cost to the Department 24 of Public Safety for issuing an ID card is about \$1.67. 25 It's a very small amount of money. So \$47 million</p>	<p>53</p> <p>1 attempting to do is not engage in that as I vote no 2 this. What I've tried to go is go back and find out 3 what the LBB, which we rely upon for fiscal notes, has 4 actually said about these sorts of things, with previous 5 legislation that has addressed this, as opposed to 6 speculation.</p> <p>7 SEN. WILLIAMS: And, Senator Watson, I 8 understand, and there are a lot of things -- I'm not 9 familiar with those bills. And what I would tell you is 10 that each -- the LBB comes up with their methodology 11 based on what each bill's requirements are. And not 12 being familiar with that --</p> <p>13 SEN. WATSON: Sure.</p> <p>14 SEN. WILLIAMS: -- I can't tell you what 15 the difference between that and this is. But we did 16 specifically sit down and talk to DPS, and they really 17 don't expect that this is going to be any big burden on 18 the agency that they're not going to be able to handle.</p> <p>19 SEN. WATSON: Thank you for your answer.</p> <p>20 SEN. WILLIAMS: Yes.</p> <p>21 SEN. WATSON: I have a couple more 22 questions for Senator Fraser, if that would be all 23 right.</p> <p>24 SEN. FRASER: I'm back with you.</p> <p>25 SEN. WATSON: Okay. Great! Thank you,</p>
<p>54</p> <p>1 sounds -- that's a lot of IDs at a buck 67 apiece. And 2 so what I would say is that when I discussed this with 3 the Department of Public Safety recently -- and they'll 4 be here to testify about this in detail more -- I think 5 that it would be difficult for them to determine now how 6 many people might take advantage of the free ID card. I 7 think it's probably not possible for them to estimate 8 that.</p> <p>9 But the cost, I think we're all pretty 10 comfortable that it would be fairly negligible. When 11 you look at the universe of registered voters, which is 12 somewhere around 13 million people, I think, and you've 13 got about 15 million people that have either a driver's 14 license -- and I can get you the exact numbers. I have 15 them here -- there are a lot of people that already --</p> <p>16 SEN. WATSON: Right.</p> <p>17 SEN. WILLIAMS: -- have state ID cards. 18 And a lot of the folks that don't have those would be 19 using a mail-in ballot, and there is no requirement to 20 present any kind of photo identification for a mail-in 21 ballot, and this legislative doesn't touch that. So we 22 think that the chances that there's going to be somebody 23 who is going to want to avail themselves, there will be 24 some, but it's going to be a very small number. 25 SEN. WATSON: Of course, what I'm</p>	<p>54</p> <p>1 Senator.</p> <p>2 Would the HAVA money that -- first of all, 3 you're familiar that in the base budget that the Senate 4 has put out, the \$2 million for this biennium for voter 5 education has been explicitly cut. You're familiar with 6 that. Right?</p> <p>7 SEN. FRASER: I don't think the word 8 "explicitly cut," I don't think it's been addressed.</p> <p>9 SEN. WATSON: Well, it's been struck 10 through in the base budget. Did you know that?</p> <p>11 SEN. FRASER: I'm not advised.</p> <p>12 SEN. WATSON: Okay. Are you also familiar 13 that in this budget it calls for a \$358 million cut to 14 the DPS budget?</p> <p>15 SEN. FRASER: Again, I'm not on Finance; 16 I'm not sure you're on Finance. And so, no, I 17 haven't -- the base bill is the starting point of 18 discussion, so I'm not advised.</p> <p>19 SEN. WATSON: All right. So you're not 20 advised whether, out of that 9.5 percent of the cut 21 comes in regulatory and the licensing area for DPS?</p> <p>22 SEN. FRASER: Well, and as you know, as we 23 start the session, that's a draft budget as a starting 24 point. We're a long ways from that being concluded. So 25 the answer is no, I'm not aware.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000070

JA_000069

TX_00000070

CONSIDERATION OF SENATE BILL 14 1/25/2011

	57		59
1	SEN. WATSON: Thank you very much.	1	consequences that we're concerned about.
2	Thank you, Mr. Chairman.	2	SEN. FRASER: "Do you favor or oppose
3	SEN. ELTIFE: Senator Whitmire, what	3	requiring a photo ID before a person is allowed to
4	purpose do you rise?	4	vote?" Pretty straightforward.
5	SEN. WHITMIRE: Will the gentleman yield?	5	SEN. WHITMIRE: I'm surprised you didn't
6	SEN. ELTIFE: Senator Fraser yield?	6	get 100 percent if you include "and stop fraud." It's
7	SEN. FRASER: Be glad to.	7	7 when you add into it, "if it meant disenfranchising
8	SEN. WHITMIRE: Senator Fraser, a couple	8	8 senior citizens," and then I think you would have a
9	of questions about the implementation of your	9	9 significant drop.
10	legislation if it passes. First off, I have to make	10	The bottom line is, Senator Fraser, and
11	this observation: Have you ever seen the gallery so	11	we'll have -- and let's have this ballot: Would you
12	empty when the Legislature is considering something	12	concede that we're all, all 31 of us are against
13	that's been given such a high billing as Senator Duncan	13	election fraud?
14	was making yesterday when he asked us to go to Committee	14	SEN. FRASER: I will not concede that
15	of the Whole? I mean, how timely this was and how	15	until after the vote, and we're assuming the ones that
16	critical it was? The Governor has made it an emergency,	16	vote for it are --
17	and I don't think I've -- I don't know if there's 20	17	SEN. WHITMIRE: Well, let me go ahead and
18	people in the gallery. If it's so important, can you	18	speak for the 12 of us that are probably going to vote
19	explain to me why the gallery is empty --	19	"No." We're all against election fraud. And I would
20	SEN. FRASER: I am not advised.	20	suggest we've actually seen an election process since we
21	SEN. WHITMIRE: -- based on --	21	took this up two years ago. Let's look at the most
22	SEN. FRASER: I'm concentrating on the	22	recent election. What fraudulent activity this past
23	action on the floor rather than looking up and seeing	23	November are you so concerned about? I think it's the
24	who is in the gallery.	24	election -- and maybe I should be more concerned.
25	SEN. WHITMIRE: Well, but it's an	25	If you look at the election results, it
	58		60
1	indication, if the public is really concerned,	1	1 was an overwhelming victorious day for Republicans in
2	particularly based on your polling data, which I'm sure	2	2 November. You replaced 34 Democrats in the house. Now,
3	3 you would join with, we don't govern in the state by	3	3 are you suggesting there was significant fraud on that
4	4 polls normally, do we?	4	4 election day?
5	SEN. FRASER: Well, other than I find it	5	SEN. FRASER: Senator, all we're trying to
6	interesting, whenever they asked the people of your	6	6 do with this bill is that when you walk into the polling
7	7 district that you represent --	7	7 place and represent that you are John Whitmire --
8	SEN. WHITMIRE: Sure.	8	SEN. WHITMIRE: Sure.
9	SEN. FRASER: -- of whether they're in	9	SEN. FRASER: -- that you can prove you
10	10 favor, the polls continue to show that the public, both	10	10 are who you say you are before you vote, it's a very
11	11 Republican and Democrat --	11	11 simple concept.
12	SEN. WHITMIRE: Well --	12	SEN. WHITMIRE: Except, Senator Fraser,
13	SEN. FRASER: -- you say, "Will you	13	13 the unintended consequences that you're going to
14	14 support a person voting with a photo ID?"	14	14 disenfranchise people that have not been able to acquire
15	SEN. WHITMIRE: And did you include in	15	15 these cards, and that's what I want to spend a few
16	16 that question and would you be for it if it would	16	16 moments on. Walk me through a real life example of how
17	17 disenfranchise senior citizens, students or others? You	17	17 a senior citizen in my district is going to acquire that
18	18 and I know it's all in how you ask the question. In	18	18 card. Do they do it by mail? Do they have to do it in
19	19 fact, the way you're stating it, I'm surprised you	19	19 person? What's the process?
20	20 didn't get 100 percent. If you ask people, "Are you	20	SEN. FRASER: Senior citizens over --
21	21 against vote fraud?" I would assume you would get	21	SEN. WHITMIRE: Give me a real life.
22	22 100 percent.	22	22 Don't say, "We're going to provide it." Let's break
23	23 SEN. FRASER: Here's the question --	23	23 down what an 86-year-old lady in my district, never been
24	24 here's the question --	24	24 required to have one, how is she going to get her card?
25	SEN. WHITMIRE: It's the unintended	25	SEN. FRASER: She would vote under current

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000071

JA_000070

TX_00000071

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 law because she's exempt.</p> <p>2 SEN. WHITMIRE: You've given her an 3 exemption. Does she have to prove, that day, her age? 4 I mean, Troy --</p> <p>5 SEN. FRASER: You can ask that question of 6 the Secretary of State. But I'm assuming --</p> <p>7 SEN. WHITMIRE: Well, you're the author. 8 And let me just tell you, like I said, we're all against 9 fraud. As elected officials, it's in our own personal 10 self-interest to have honest elections with the highest 11 integrity. We're doing it for the people that we 12 represent as well. So that's not the issue, are we for 13 or against fraud? It's the implementation, it's the 14 disenfranchisement, Troy, that we're fighting for and 15 what we've been fighting for, for the last couple of 16 years. Tell me how we're going to address the 17 unintended consequences of someone not being able to 18 vote on election day, because I know you don't want 19 that. And I --</p> <p>20 SEN. FRASER: I was sent down here by the 21 people of my district to represent their views. The 22 polling of my district shows that it's almost 90 percent 23 of the people in favor of it.</p> <p>24 SEN. WHITMIRE: Okay.</p> <p>25 SEN. FRASER: The district that you</p>	<p>61</p> <p>1 down to the DPS to get --</p> <p>2 SEN. WHITMIRE: Well, see, that's what's 3 so sad about this discussion. You're not putting 4 yourself in the shoes of someone who doesn't have the 5 means that you and I have, they have to depend on 6 someone else for transportation. They may not have any 7 resources. How is a 56-year-old person in Houston, 8 Texas, going to acquire this card --</p> <p>9 SEN. FRASER: We are not changing --</p> <p>10 SEN. WHITMIRE: -- no driver's license.</p> <p>11 SEN. FRASER: We are not changing the 12 mail-in ballot. And if someone has a reason that they 13 need to vote by mail --</p> <p>14 SEN. WHITMIRE: On a mail-in ballot, how 15 do you prove -- that's early voting. How do you verify 16 who you are in that instance?</p> <p>17 SEN. FRASER: I'm sure the Secretary of 18 State would be glad to answer that.</p> <p>19 SEN. WHITMIRE: Okay. But that's not what 20 we're talking about. We're talking about on election 21 day, a person in Houston wants to vote, how do they 22 acquire the voter ID, photo ID?</p> <p>23 SEN. FRASER: The DPS and the Secretary of 24 State will both be here, and I'm sure they will be glad 25 to answer that question.</p>
<p>1 represent, I think if you poll in that district -- and I 2 have used some polling that shows close to the same 3 number -- that say that when they're asked, "Do you 4 think you should have to show a photo ID?" and they say 5 yes.</p> <p>6 SEN. WHITMIRE: And my --</p> <p>7 SEN. FRASER: So my answer is, we need to 8 pass this, because the people in our district --</p> <p>9 SEN. WHITMIRE: Well --</p> <p>10 SEN. FRASER: -- believe that they should 11 show a photo ID.</p> <p>12 SEN. WHITMIRE: First of all, I don't 13 govern by poll. And if I was at a town hall meeting and 14 I walked through, after they've said they're for voter 15 ID, then I start talking about the implementation of it, 16 they start being just as concerned as I am. So I want 17 to know how people are going to acquire these cards. 18 Forget the 86-year-old. Let's go to a 56-year-old 19 person. How do they acquire the card? Are you familiar 20 in Houston it takes two to three hours to get a driver's 21 license at the DPS office?</p> <p>22 SEN. FRASER: John, I was about to ask 23 you, you know, ask you your age, but I know your age. 24 We're both 61. A 61-year-old person in our age group, 25 is it going to be a real problem for you and I to drive</p>	<p>62</p> <p>1 SEN. WHITMIRE: Troy, you're proposing 2 this. And before we go forward, I would like to know, 3 do you have to go to the DPS office? Do you order it by 4 mail? That's a critical concern of all of us that are 5 voting "No" against this bill. And I don't --</p> <p>6 SEN. FRASER: Senator, did --</p> <p>7 SEN. WHITMIRE: -- think you want to 8 disenfranchise anybody, but I'm afraid that there's 9 unintended consequences that you have not envisioned.</p> <p>10 SEN. FRASER: Did another senator advise 11 you of what you had to do to go down to the DPS office 12 to get your driver's license?</p> <p>13 SEN. WHITMIRE: Well, we're not talking 14 about me. We're fortunate; you and I are fortunate. We 15 probably don't have to wait in lines. In Houston, 16 Texas --</p> <p>17 SEN. FRASER: There are 15 million drivers 18 in Texas. Of the 31 Senate districts, I think that 19 would mean there's about 500,000, I believe, in my 20 district. And I don't think I've got a one of them that 21 I instructed on how to go down and get a photo ID.</p> <p>22 SEN. WHITMIRE: Okay. Well, let me just 23 tell you about the DPS operations in Harris County. A 24 working person cannot go by and get their license 25 renewed on their lunch hour, before work or after work,</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000072

JA_000071

TX_00000072

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">65</p> <p>1 because literally it's a two to three-hour wait. So how 2 do you add this new group of participants that have to 3 show up at a DPS office to get a voter ID.</p> <p>4 SEN. FRASER: We have someone coming from 5 the DPS. I think you can ask that question or 6 I'll yield to Senator Williams.</p> <p>7 SEN. WHITMIRE: I'm not sure if they're -- 8 I think you as the sponsor ought to explain that.</p> <p>9 SEN. FRASER: The bill that I'm laying out 10 is very clear, that it complies with the Supreme Court 11 ramification and it also has been cleared by the 12 Department of Justice.</p> <p>13 SEN. WHITMIRE: Okay. So you don't know. 14 Is that your answer?</p> <p>15 SEN. FRASER: I said we've got resource 16 witnesses that are coming. I'm not an expert in that 17 area. We do have an expert coming, and they'll be glad 18 to answer your question.</p> <p>19 SEN. WHITMIRE: The DPS folks will have to 20 publicly say at Gessner and I-10 or at Tacoma and 290, 21 two sites in my district -- and I complained and asked 22 for more resources -- it's a two- to three-hour wait, 23 Governor Dewhurst, to get your driver's license renewed. 24 So you can't even go over there on your lunch hour and 25 get a driver's license, and now you want the folks to go</p>	<p style="text-align: right;">67</p> <p>1 SEN. WHITMIRE: Would you be amenable to 2 us proposing it and --</p> <p>3 SEN. FRASER: The bill does not provide, 4 as I -- I filed the bill, and the bill does not provide 5 for same-day registration.</p> <p>6 SEN. WHITMIRE: Okay. Thank you for your 7 answers.</p> <p>8 CHAIRMAN DUNCAN: Senator Uresti.</p> <p>9 SEN. URESTI: Thank you, Mr. Chairman.</p> <p>10 Would the gentleman yield for some 11 questions?</p> <p>12 SEN. FRASER: I would love to yield.</p> <p>13 SEN. URESTI: Thank you, Senator Fraser.</p> <p>14 I want to ask you a few questions, kind of to follow on 15 what Dean Whitmire asked you specifically regarding the 16 DPS offices. And I don't know if they're here yet or 17 not. But particularly about my district, you know how 18 large it is. It goes from San Antonio all the way to 19 El Paso, and it has 23 counties, as I'm sure you're 20 aware, Senator Fraser.</p> <p>21 And one of the concerns that I have is 22 that between here and El Paso -- and you may know this. 23 If not, I would like to let you know and the other 24 members know -- well, let me ask you this: Do you know 25 how many of my 23 counties do not have a DPS office?</p>
<p style="text-align: right;">66</p> <p>1 over there and, I assume, wait in line to get a voter 2 ID.</p> <p>3 Let me ask you another question about the 4 education that you're going to provide. Is it going to 5 be done in bilingual materials with a --</p> <p>6 SEN. FRASER: I'm sure the Secretary of 7 State will be glad to answer that question.</p> <p>8 SEN. WHITMIRE: Well, you're the sponsor.</p> <p>9 SEN. FRASER: And as the sponsor, I 10 invited the Secretary of State as a resource witness, to 11 make sure we have someone that knows the answer to that 12 particular question.</p> <p>13 SEN. WHITMIRE: One also is, your bill 14 provides same-day registration. Now, according to you, 15 you're going to have a fail-safe system that you'll know 16 who is showing up to vote. Are you open to the idea 17 that someone who has gotten motivated in the last 30 18 days, maybe the days just leading up to the election, 19 with this secure form of ID can show up on election day, 20 prove who they are and ask to vote?</p> <p>21 SEN. FRASER: The bill does not provide 22 for same-day registration.</p> <p>23 SEN. WHITMIRE: I'm sorry. What?</p> <p>24 SEN. FRASER: The bill does not provide 25 for same-day registration.</p>	<p style="text-align: right;">68</p> <p>1 SEN. FRASER: Senator, you know, the start 2 of your description of this, I'm very familiar with the 3 district, because I used to represent a lot of it. And 4 that area between -- going out toward El Paso, I've had 5 that when I was a state rep. It was in my state 6 representative district. And then part of your other 7 district was when I was a senator. So, yes, I'm very 8 familiar with it.</p> <p>9 The answer to your question that you're 10 asking about driver's license location, we'll have 11 somebody from DPS here, and I'm sure they'll be glad to 12 answer that question for you.</p> <p>13 SEN. URESTI: Well, in the meantime, 14 Senator Fraser, let me let you and the members know. 15 There are eight counties in my district out of the 23 16 that do not have a DPS office. Loving County has no 17 office, Crockett County, Hudspeth County, Jeff Davis 18 County, Kinney County, Real County -- we had some good 19 folks here yesterday representing Real County -- and 20 Terrell County have their offices temporarily closed. 21 And, Senator Fraser, do you know how many people live in 22 those counties? There are 47,000 people that live in 23 those counties in my district that don't have a DPS 24 office.</p> <p>25 SEN. FRASER: Do you know how many in</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000073

JA_000072

TX_00000073

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 those counties drive that have a license?</p> <p>2 SEN. URESTI: No, I don't. Do you know,</p> <p>3 Senator?</p> <p>4 SEN. FRASER: I don't, no. I have been</p> <p>5 out in those counties and I see people driving. I'm</p> <p>6 assuming they have a driver's license.</p> <p>7 SEN. URESTI: Well, it makes it even more</p> <p>8 difficult if they don't have a driver's license and they</p> <p>9 need to get a driver's license or a photo ID to vote.</p> <p>10 How are they going to drive long distances in order to</p> <p>11 retrieve that -- or obtain that ID?</p> <p>12 SEN. FRASER: Again, the data we've been</p> <p>13 shown is that people registered to vote -- and I guess I</p> <p>14 would like to look in your area -- but about 90 percent</p> <p>15 of the people that are coming in show their driver's</p> <p>16 license when they register to vote.</p> <p>17 You know, yes, there's -- it looks like</p> <p>18 there's a lot of people or, you know, 47,000, but I'm</p> <p>19 assuming that the bulk of those, probably a lot of them</p> <p>20 have IDs.</p> <p>21 SEN. URESTI: Well, that's an assumption,</p> <p>22 Senator Fraser, that you're making that I don't have the</p> <p>23 luxury of making on behalf of those 47,000 people. But</p> <p>24 in addition to that, Senator Fraser and members, there's</p> <p>25 another 70,000, another 70,000 constituents in my</p>	<p>69</p> <p>1 them.</p> <p>2 SEN. URESTI: This is your bill, Senator</p> <p>3 Fraser. I'm asking you, because I need to go back to my</p> <p>4 district and tell them that they have to get a photo ID</p> <p>5 in order to vote. And their first question to me is</p> <p>6 going to be, "Well, Senator Uresti, you know that our</p> <p>7 DPS offices are closed," or "We have no DPS office in</p> <p>8 our county," or "It's only open on one Tuesday a month."</p> <p>9 What am I supposed to do, Sen. Uresti?"</p> <p>10 SEN. FRASER: Again, the DPS will be here.</p> <p>11 You can outline the problem, and you can outline the</p> <p>12 problem with Senator Williams, and you're free to ask</p> <p>13 them those questions.</p> <p>14 SEN. URESTI: Sen. Fraser, in addition to</p> <p>15 those counties that have no DPS offices, many of my</p> <p>16 constituents in several other counties are going to have</p> <p>17 to travel long distances in order to get an ID. For</p> <p>18 example, my constituents in Crockett County, Ozona, will</p> <p>19 have to travel 163 miles round trip to San Angelo to get</p> <p>20 to the nearest DPS office. And if you live in Sanderson</p> <p>21 in Terrell County, you will have to travel 170 miles</p> <p>22 round trip to get to Fort Stockton. If you live in</p> <p>23 Sierra Blanca in Hudspeth County, you have to travel</p> <p>24 176 miles to get to El Paso in order to get to the DPS</p> <p>25 office. Did you know that, Sen. Fraser?</p>
<p>70</p> <p>1 district that have access to only partial or sporadic</p> <p>2 service; for example, Senator Fraser, the first Tuesday</p> <p>3 of each month from 9:00 to 4:00. So they have one day a</p> <p>4 month, members, to go and get an ID, and that's between</p> <p>5 the hours of 9:00 to 4:00.</p> <p>6 Well, if you can't get off of work that</p> <p>7 one month -- that one Tuesday and that's the only day</p> <p>8 it's open, what are my constituents supposed to do,</p> <p>9 Senator Fraser?</p> <p>10 SEN. FRASER: I think that's probably a</p> <p>11 question you would want to ask the DPS. Or, if you</p> <p>12 would like, I will yield to Senator Williams.</p> <p>13 SEN. URESTI: But this isn't their bill;</p> <p>14 this is your bill, Senator Fraser.</p> <p>15 SEN. FRASER: And that's the reason I</p> <p>16 bring in, you know, knowledgeable witnesses, expert</p> <p>17 witnesses that can answer these questions. We have</p> <p>18 someone from DPS that will be here. Or Senator</p> <p>19 Williams, that's in the area of his committee.</p> <p>20 SEN. URESTI: So they're going to answer</p> <p>21 my question as to what should my constituents do if they</p> <p>22 can't get off of work that one Tuesday of the month in</p> <p>23 order to get their ID to vote? That's what you're</p> <p>24 saying, they're going to answer that question?</p> <p>25 SEN. FRASER: You'll just have to ask</p>	<p>71</p> <p>1 SEN. FRASER: I'm very aware of that,</p> <p>2 that, you know, the district I represented, there were</p> <p>3 bus routes that were 80 to 90 miles each way for kids to</p> <p>4 attend public school, because the people lived out in</p> <p>5 the country.</p> <p>6 SEN. URESTI: And would you agree with me,</p> <p>7 then, that that's going to be a challenge for those</p> <p>8 folks?</p> <p>9 SEN. FRASER: We're not changing the early</p> <p>10 voting mail-in ballot rules, and that will still be an</p> <p>11 option for people.</p> <p>12 SEN. URESTI: So they don't need an ID to</p> <p>13 vote by mail?</p> <p>14 SEN. FRASER: By mail? Again, you can ask</p> <p>15 the Secretary of State. We're not addressing the</p> <p>16 mail-in ballots. The Secretary of State will be here.</p> <p>17 Someone from their office, you can ask that question.</p> <p>18 SEN. URESTI: Well, let me just mention a</p> <p>19 few more of my counties. If you live in Van Horn in</p> <p>20 Culberson County, you have to travel 200 miles round</p> <p>21 trip to Marfa, which is the nearest DPS office. If you</p> <p>22 live in Pecos, which is in Reeves County, you have to</p> <p>23 travel 143 miles to Fort Stockton. If you live in</p> <p>24 Rocksprings in Edwards County, it's 152 miles round trip</p> <p>25 to Del Rio, Sen. Fraser. And finally, if you live in</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000074

JA_000073

TX_00000074

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 Medina, which is in Hondo, if you live in Hondo, which 2 is in Medina County, you have to travel 84 miles.</p> <p>3 And so again my question; Sen. Fraser -- 4 if you can't answer it, just let me know -- what am I 5 supposed to tell my constituents -- because this is your 6 bill; it's not my bill -- how are they supposed to get 7 their Texas ID if their DPS office is --</p> <p>8 SEN. FRASER: Senator, if I were you, when 9 the DPS comes up, I would ask them questions and say, 10 "Is there a way that we could do something like a 11 temporary van coming through to accommodate those 12 people?" And if I were the senator from that area, that 13 probably would be a question I would ask the DPS. But 14 again, they're coming forward, and that's a question I 15 think that is appropriate of the DPS of, you know, "How 16 do we make sure that we accommodate those people?"</p> <p>17 SEN. URESTI: Well, it's a great 18 suggestion, Senator Fraser. But what if DPS says, "We 19 can't do that. It's not in the budget, the \$2 million 20 that we're being allocated"? So then what do I tell my 21 constituents?</p> <p>22 SEN. FRASER: Well, you're assuming the 23 answer before you ask the question of the DPS.</p> <p>24 SEN. URESTI: Well, you're assuming that 25 they're going to say that they will be able to do it.</p>	<p>73</p> <p>1 with your bill, if your bill passes, you can have a 2 voter registration card and a Texas ID or a driver's 3 license, and you're able to vote with both of those 4 documents. Correct?</p> <p>5 SEN. FRASER: Actually, you don't -- if 6 you go in and you're on the voter roll and you have a 7 driver's license, they'll allow you to vote, because I 8 know that's -- you know, I do that now.</p> <p>9 SEN. URESTI: So you don't need your voter 10 registration card, is my real question? If you have a 11 valid Texas ID or a valid Texas driver's license, then 12 you do not need --</p> <p>13 SEN. FRASER: I think probably if you'll 14 ask the Secretary of State. But my understanding is 15 that you just have to identify yourself with a photo. 16 And if you're on the voter roll and you're at the 17 correct voting location, you live in that precinct and 18 you're on that roll and you show them your ID, I believe 19 you'll be allowed to vote.</p> <p>20 SEN. URESTI: And that's my question, but 21 I want to be specific about it. So if I have a valid 22 photo ID or a valid Texas driver's license and I'm on 23 the rolls, then I do not need a voter registration card. 24 Correct?</p> <p>25 SEN. FRASER: To my understanding, the</p>
<p>74</p> <p>1 SEN. FRASER: No. I'm assuming that the 2 DPS is going to come up and you'll have the opportunity 3 to ask them.</p> <p>4 SEN. URESTI: Okay. So then let's assume 5 the DPS spokesperson says, "Great idea that Senator 6 Fraser has. We can do that," there's going to be a cost 7 associated with that. Isn't that correct? That's not 8 included in the fiscal note of \$2 million?</p> <p>9 SEN. FRASER: Again, I'm not advised, I 10 think the DPS could advise you on that, or 11 Sen. Williams.</p> <p>12 SEN. URESTI: Do we know when they're 13 going to be available to answer or --</p> <p>14 SEN. FRASER: I think they're on hand. 15 And as soon as we complete these questioning, I think 16 we'll going to bring -- you know, as soon as we start 17 the -- well, I think that the plan -- I'm not speaking 18 for the Chair, but I believe we're going to allow 19 questions from members, then we're going to have invited 20 guests. And then once we start the public testimony, 21 they would be ready to come up, and I think they'll 22 answer any questions you've got.</p> <p>23 SEN. URESTI: Senator Fraser, let me ask 24 you a few more questions, if I may, please. And I want 25 to be clear. So as I understand it, in order to vote</p>	<p>76</p> <p>1 answer is yes. But I still think I would ask that 2 question of the Secretary of State.</p> <p>3 SEN. URESTI: Well, I'm pretty sure that's 4 correct. That's what I read. Then why do we need a 5 voter registration card, then? Why are we going to need 6 voter registration cards after your bill passes?</p> <p>7 SEN. FRASER: Good question. Why don't 8 you ask that of the Secretary of State. It might be 9 a -- you could offer that as a cost-saving measure.</p> <p>10 SEN. URESTI: But it's your bill, Senator 11 Fraser. I mean --</p> <p>12 SEN. FRASER: All my bill is addressing is 13 the photo identification when you vote. You know, 14 Carlos, when you walk in and they say, "Senator Uresti, 15 you know, we'll need some identification," and even 16 though you're on the roll, you're going to have to show 17 a photo ID.</p> <p>18 SEN. URESTI: And that's correct, and I 19 agree with you, Senator Fraser. But the result will be, 20 you do not need your voter registration card, then?</p> <p>21 SEN. FRASER: That is my understanding. 22 But, again, I would ask the Secretary of State.</p> <p>23 SEN. URESTI: Okay. That's all the 24 question I have for now, Mr. Chairman.</p> <p>25 Thank you, Senator Fraser.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000075

JA_000074

TX_00000075

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 CHAIRMAN DUNCAN: Thank you, Senator. 2 Senator Gallegos.</p> <p>3 SEN. GALLEGOS: Senator Fraser, the 4 questions that you're being asked and are asking us to 5 wait for resource witnesses, I'm concerned that we're 6 not getting answers from the author of the bill. Now, 7 Senator Huffman just showed us a box with testimony and 8 questions and supposedly answers that were asked two 9 years ago. And a lot of the questions that you're 10 referring to that we get answers from resource witnesses 11 weren't answered at that time.</p> <p>12 I mean, we just want an assurance here 13 that whatever was in that box that Senator Huffman had 14 did not have all the questions answered. I heard what 15 she told Senator Davis, but a lot of the questions that 16 you're being asked today were the same questions that 17 were asked two years ago and have never been answered.</p> <p>18 SEN. FRASER: Senator, I stayed up very 19 late last night reading the deposition of the questions 20 that were asked, that you asked me last year, the 21 answers. And I guess if you're concerned about that, 22 maybe you should get that deposition and you read it and 23 that way you can feel more comfortable about what was 24 asked and what was answered. Have you read the 25 deposition?</p>	<p>77</p> <p>1 SEN. FRASER: Have you read all the data 2 that was in the box?</p> <p>3 SEN. GALLEGOS: I have not read it; I have 4 not read it. But, you know, I would think that, 5 especially some of the questions that I asked and I'm 6 fixing to ask you, you know, that if those answers 7 aren't in that box that Senator Huffman introduced as 8 Exhibit No. 1. I just want to make a point that it 9 concerns me that these questions these senators have 10 about their districts are not being answered. I just 11 wanted to make that point.</p> <p>12 And on another question, Senator, on the 13 fiscal note -- and I know that Senator Watson brought it 14 up -- it says that it's \$2 million to implement. Now, 15 here is my concern on that, is that Texas is ranked 16 No. 2 nationally in this country as far as population. 17 Missouri is ranked 19th. Yet, the numbers that I'm 18 looking at on the costs that the Secretary of the State 19 of Missouri on implementing -- and Missouri only has 20 5.9; we have 25 million -- Missouri has 5.9 in 21 population, and the Secretary of the State of Missouri 22 is going it's going to cost \$6 million just to implement 23 their voter ID program, and that's just the first year. 24 The second year, another \$4 million.</p> <p>25 Now, with only 5.9 in population, and I'm</p>
<p>1 SEN. GALLEGOS: There will be plenty of 2 time for that. But I'm just asking you, as the author 3 of the bill. You know, I mean, you are laying it out, 4 and you're trying to explain it. And you're asking us 5 to ask resource witnesses on questions, especially the 6 questions that Senator Uresti had. And it concerns me 7 that before we even, you know, lay it out and go forward 8 with a bill, that the people that are here listening, at 9 least they have the right to -- they leave, they have 10 the right to know these questions, especially those 11 questions that Senator Uresti just got through asking 12 you. And it concerns me that we cannot get answers at 13 the time that the bill is laid out, before we even go 14 forward with the witnesses. And that just concerns me, 15 that we're not getting answers.</p> <p>16 SEN. FRASER: I think you can take a lot 17 of comfort in the fact that we will not ask you to vote 18 for the bill until we bring up an expert witness and you 19 will be allowed to ask those question and get the answer 20 you're looking for.</p> <p>21 SEN. GALLEGOS: Well, I mean, we did that 22 two years ago. And some of the questions that the box 23 that Senator Huffman had still doesn't have answers in 24 that box that she had that's going to be introduced as 25 Exhibit No. 1.</p>	<p>78</p> <p>1 looking at Texas that has 25 million, now, what kind of 2 methodology is the Secretary of State using in Missouri 3 as opposed to the Secretary of State in Texas? To me, 4 that math -- you know, I'm not an expert in math, but I 5 can tell the difference between 5.9 and 25 million to 6 implement a voter ID bill, you know, that obviously 7 there's something wrong here in the numbers. Can you 8 tell me the difference in 6 million for Missouri and 9 2 million in implementing the cost of voter ID in Texas?</p> <p>10 SEN. FRASER: I'm not a citizen of 11 Missouri, so we don't have access to that information. 12 And you and I have been in the Legislature a long time, 13 and you're very aware that your fiscal note -- whenever 14 you file a bill, you get a fiscal note with a bill, they 15 look at the cost, and this is the cost that's been 16 estimated.</p> <p>17 SEN. GALLEGOS: You know, Senator, I'm 18 concerned here that this number that has been laid out 19 in this bill -- you know, and we do have -- and I don't 20 know if the rules if we have the Ogden amendment on this 21 bill where you're looking at one number and then all of 22 a sudden, before we start implementing the bill, it's 23 going to cost us \$30 million to implement the bill by 24 the numbers -- if we use the formula being used by 25 Missouri that has only 5.9 in population. Now, that</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000076

JA_000075

TX_00000076

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>81 1 really concerns me. \$30 million, Senator Watson could 2 use that here and stop the closure of those Austin 3 Independent School District schools that are being 4 closed. They could use that \$30 million that I see as 5 opposed to what I'm seeing as the formula in math that 6 Missouri used.</p> <p>7 Now, it concerns me that the fiscal note 8 that's laid out in this bill is misleading, according to 9 the other states that are using more money and less 10 population to implement their voter ID bill. That 11 concerns me, Senator. And, I mean, is there somebody 12 that can answer that question for me, why it costs so 13 little on a state that has 25 million in population as 14 opposed to another state that has 5 million and it's 15 triple the cost?</p> <p>16 You know, I mean, that concerns me, and 17 that should concern you, when you're given a number, and 18 we're telling the people in the audience here, the 19 taxpayers, it's only going to cost us \$2 million. And 20 we have 25 million in population; Missouri only has 21 5.9 million, and it's costing them \$6 million to 22 implement voter ID. Now, you know, that really concerns 23 me. And I don't want to mislead the public in any form 24 or fashion that it's only going to cost us \$2 million to 25 upstart voter ID when that is a misleading number. And</p>	<p>83 1 not you -- but the fiscal note on this bill is saying 2 only two million bucks. Now, you know, that just 3 concerns me, Senator. And I guess I'll ask that 4 question when the proper resource witness comes up.</p> <p>5 Senator Fraser, the other question I had 6 was similar to Senator Uresti's question. Now, two 7 years ago, I put maps up on one of my amendments where 8 the City of Houston has no DPS offices within the 610 9 loop. The City of Fort Worth, I believe -- let me see 10 here. Let me look at my notes here.</p> <p>11 The City of Fort Worth I think doesn't 12 have any either inside -- what is that loop? 82, 13 182? -- 81. And Dallas, Senator West, only has one -- 14 only has one inside the city, only has one DPS center 15 inside the city. And it concerns me, if we're going to 16 mandate Texans to get a photo ID and you have no place 17 to send them to, especially inside the loop and 18 especially those without transportation, and if they 19 can't get to it on a bus route, to one of the DPS 20 centers --</p> <p>21 SEN. FRASER: Senator, if you have 22 evidence that someone in your district has the inability 23 to get a driver's license, I wish you would bring that 24 forward.</p> <p>25 SEN. GALLEGOS: I'm talking about your</p>
<p>82 1 that concerns me, Senator, and it should you. If this 2 number is misleading, now who can answer that question 3 for me?</p> <p>4 SEN. FRASER: I think you're very aware of 5 the fact that this number comes from LBB. I believe 6 they probably called the Secretary of State and asked 7 for that number. So if you have a concern about it, 8 probably you should ask the LBB and/or the Secretary of 9 State. I believe the Secretary of State is going to 10 tell you there are HAVA funds that they're requesting 11 that would possibly even eliminate that \$2 million.</p> <p>12 SEN. GALLEGOS: Well, I mean, I heard you 13 tell Senator Watson about the HAVA funds. I'm just 14 saying on straight-up, straight-up implementation, that 15 \$2 million as opposed to \$6 million in Missouri, you 16 know, that's without HAVA funds, too. I'm saying that 17 when you come down to it, if that number -- if, when the 18 implementation starts, instead of \$2 million it's 19 \$30 million, then, you know, I'm concerned.</p> <p>20 I believe that the Ogden amendment should 21 go on there and say, you know, if it's going to be over, 22 over what you're showing on the fiscal note, that it 23 shouldn't be implemented if it's going to cost that type 24 of money. That's a lot of money; that's a lot of money 25 to implement voter ID when you're just saying -- well,</p>	<p>84 1 bill that mandates a photo ID. And if we're going to 2 mandate Texans, then we should at least allow them the 3 opportunity to have places where they can get it, where 4 they don't have to travel 150 miles, like Senator Uresti 5 just said. That's my concern, especially the elderly 6 that don't have any and they're going to have to get a 7 photo ID, that that person is going to have to travel 8 150 miles, even from their house inside the loop, those 9 people that don't have cars and they have to do public 10 transportation.</p> <p>11 Now, I'm looking at the map in the City of 12 Houston, the bus route where it takes them three buses 13 just to get close to a DPS center from anywhere inside 14 the 610 loop. That really concerns me, Senator, on 15 this, and hopefully that -- Senator Fraser?</p> <p>16 SEN. FRASER: I'm with you.</p> <p>17 SEN. GALLEGOS: Hopefully that you will 18 look at it and maybe in some of our amendments will take 19 that into consideration. I'm just telling you, you 20 know, what's in Houston, not in Horseshoe Bay where you 21 live. And, you know, that is really a problem that we 22 have, especially those of us that represent minority 23 communities like Senator Uresti and me and others on 24 this floor.</p> <p>25 There is another issue, Senator Fraser,</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000077

JA_000076

TX_00000077

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 that I wanted to ask you. On driver's license, you 2 know, it says on a driver's license that's -- on a 3 driver's license that's pulled from somebody for 4 whatever reason, DPS gives you a temporary, and that 5 temporary is good for about 40 days or in some cases 6 when they've been stopped for a DWI or anything but 7 still have not gone through the legal process, they are 8 given a paper temporary license, and it says on that 9 paper that this is used for identification purposes.</p> <p>10 Now, I guess my question to you would be 11 that if that is pulled -- and there's several thousands 12 of drivers, of Texans, that are using this paper ID 13 right now -- that if a driver's license is pulled for 14 whatever reason, that that DPS certification, paper 15 temporary license can be used as an ID to go vote.</p> <p>16 SEN. FRASER: Senator, if you don't mind, 17 I'm going to yield to Senator Williams on that question. 18 If you don't mind, he'll answer that question for you.</p> <p>19 SEN. WILLIAMS: Senator Gallegos, I had a 20 similar question of what you have as I visited with the 21 Department of Public Safety about this. And, in fact, 22 it had been a while since I had renewed my license. And 23 they now issue -- these temporary licenses actually have 24 a photo on the license, and it would be valid under 25 Sen. Fraser's bill as identification if you went to</p>	<p>85</p> <p>1 not going to read it to you. Just trust me; you can 2 read it yourself. It says that this would be used for 3 identification purposes.</p> <p>4 SEN. WILLIAMS: Well, thank you, Senator 5 Gallegos. And I'm glad that you raised this issue, and 6 we ought to ask the Department of Public Safety to clear 7 it up for us. Thank you.</p> <p>8 SEN. GALLEGOS: That's why I brought it 9 up, Senator Williams and Senator Fraser. That's being 10 done on temporary suspended license, no photo ID. But 11 on the face of this sheet that DPS has given out, it 12 says that this is for identification purposes. I just 13 wanted to point that out. I do have an amendment that I 14 hope you will take, Senator, that alleviates almost 15 100,000 that we know of right now.</p> <p>16 SEN. FRASER: Have you turned that 17 amendment in? If you get the amendments in so we get a 18 chance to look at them --</p> <p>19 SEN. GALLEGOS: Sure.</p> <p>20 SEN. FRASER: -- I think there's a better 21 chance for, you know, us to understand what you're 22 trying to do. So if you have an amendment, I would ask 23 you to turn it in.</p> <p>24 SEN. GALLEGOS: Sure.</p> <p>25 Thank you, Mr. Chairman.</p>
<p>1 vote.</p> <p>2 And, you know, in more detail, we could 3 get the Department of Public Safety to give you some 4 more detail on that. But now the temporary licenses 5 actually have a photo on the paper license that you're 6 referring to.</p> <p>7 SEN. GALLEGOS: Well, Senator Williams, 8 I'm showing that 98,000 drivers right now have temporary 9 licenses without photo IDs.</p> <p>10 SEN. WILLIAMS: Well, you know, I'm not 11 advised about that. I think we ought to get the 12 Department of Public Safety --</p> <p>13 SEN. GALLEGOS: Well, I agree.</p> <p>14 SEN. WILLIAMS: I'm told that these, you 15 know, temporary licenses you used to get when you were 16 in the process of renewing your licenses now have your 17 ID on them, your photo.</p> <p>18 SEN. GALLEGOS: Senator Williams, I 19 understand what you just told me. But, you know, I've 20 known some folks that have had their license pulled and 21 have not gone through the process, and there is no photo 22 ID. All they're given is the sheet of paper that I have 23 right here that they're driving with, 98,184 that are 24 driving with this paper right here, no photo ID.</p> <p>25 And it says -- it says here -- well, I'm</p>	<p>86</p> <p>1 CHAIRMAN DUNCAN: Senator Davis.</p> <p>2 SEN. DAVIS: Senator Fraser, will you 3 yield for some questions, please?</p> <p>4 SEN. FRASER: If you will allow me one 5 second to get some better headsets on.</p> <p>6 SEN. DAVIS: I was going to ask you if you 7 could hear me.</p> <p>8 (Laughter)</p> <p>9 (Brief pause)</p> <p>10 SEN. FRASER: I will now yield.</p> <p>11 SEN. DAVIS: Can you hear me okay, Senator 12 Fraser?</p> <p>13 SEN. FRASER: Right now I am.</p> <p>14 SEN. DAVIS: All right. A couple of 15 questions for you. You've talked earlier this morning 16 about both the Supreme Court opinion in the Indiana case 17 and also the Justice Department review of Georgia. Are 18 you aware that in each of those, there were particular 19 instances that made the acceptance of those particular 20 laws different than yours might be interpreted by those 21 same bodies?</p> <p>22 SEN. FRASER: If you don't mind, we've 23 got, you know -- Senator Huffman, I think, is prepared 24 to, you know, answer legal questions. If you've got a 25 question about a -- do you have specific examples --</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000078

JA_000077

TX_00000078

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 SEN. DAVIS: Well, I would --</p> <p>2 SEN. FRASER: -- that you would like to --</p> <p>3 and we also, I believe, are going to have someone from</p> <p>4 Indiana here this afternoon, and we're also going to</p> <p>5 have an invited -- an attorney that will address that.</p> <p>6 So if you have specific questions about that, that might</p> <p>7 be the appropriate place.</p> <p>8 SEN. DAVIS: Well, I'll read to you from</p> <p>9 those in a moment. But let's start just by talking</p> <p>10 about what's required on the Texas voter registration</p> <p>11 application right now. Right now a person may put their</p> <p>12 driver's license number or their social security number</p> <p>13 on their registration application to become a voter in</p> <p>14 the State of Texas. Correct?</p> <p>15 SEN. FRASER: You've got the data. And I</p> <p>16 think probably the best person to ask, and that's the</p> <p>17 Secretary of State.</p> <p>18 SEN. DAVIS: Well, I have it right here.</p> <p>19 And there are some people who can't provide that</p> <p>20 information, and there's another opportunity for that</p> <p>21 person to attest to whom they are, to attest to the fact</p> <p>22 that they're a legal citizen and not a felon who would</p> <p>23 be prevented from voting. And I'm sure the Secretary of</p> <p>24 State probably has a number that shows to us -- and we</p> <p>25 will ask for this on the record today -- how many people</p>	<p>89</p> <p>1 second of the Secretary of State.</p> <p>2 SEN. DAVIS: Well, I'm asking you as the</p> <p>3 bill's author. Are you concerned that there will be an</p> <p>4 impact to those people who currently cannot fill out</p> <p>5 Section 8 but can only fill out the attestation clause</p> <p>6 in Section 9?</p> <p>7 SEN. FRASER: And again, you're making a</p> <p>8 reference to Section 8 that -- you know, I'm sorry. I</p> <p>9 don't -- I'm not -- I don't know what you're referring</p> <p>10 to. The Secretary of State is the expert in that area.</p> <p>11 And when you ask that question, I'll be listening and</p> <p>12 will, you know, listen to the response.</p> <p>13 SEN. DAVIS: Earlier you talked about the</p> <p>14 Executive Director from the Carter-Baker Commission, and</p> <p>15 you cited a statistic, that only 1.2 percent of</p> <p>16 Americans would be affected by a requirement that a</p> <p>17 photo ID be required. Correct?</p> <p>18 SEN. FRASER: I did make that reference,</p> <p>19 yes.</p> <p>20 SEN. DAVIS: Are you aware that that was</p> <p>21 limited to a study of only three states, and Texas was</p> <p>22 not one of them?</p> <p>23 SEN. FRASER: Yes, because at that time</p> <p>24 the Carter-Baker was looking at the states that had</p> <p>25 issued a photo ID.</p>
<p>90</p> <p>1 fill out Section No. 9, the attestation clause, versus</p> <p>2 the people who are able to fill out Section 8, and</p> <p>3 what's the gulf between that. Are you aware what the</p> <p>4 gulf is between those two numbers?</p> <p>5 SEN. FRASER: I believe I know the section</p> <p>6 you're talking about, but I actually would prefer you</p> <p>7 ask that of the Secretary of State's office.</p> <p>8 SEN. DAVIS: Okay. But I'm asking you.</p> <p>9 Are you aware -- under your bill that you're proposing,</p> <p>10 are you aware of what the gulf is, the gap is between</p> <p>11 those two numbers, the people who are able to provide</p> <p>12 their driver's license or social security number versus</p> <p>13 those that fill out the attestation clause, because they</p> <p>14 don't have either?</p> <p>15 SEN. FRASER: When you ask the Secretary</p> <p>16 of State that question, I will be listening very</p> <p>17 carefully to make sure that I hear what they say.</p> <p>18 SEN. DAVIS: And would you agree that it's</p> <p>19 probably the case that if I fill out Section 9, the</p> <p>20 attestation clause, because I can't fill out Section 8</p> <p>21 with either a social security number or my driver's</p> <p>22 license number, that I will probably be impacted by a</p> <p>23 bill that's going to require what your bill requires in</p> <p>24 order for me to vote?</p> <p>25 SEN. FRASER: Again, that would be a good</p>	<p>90</p> <p>91</p> <p>1 SEN. DAVIS: And would you agree that it</p> <p>2 may be the case that if I live in one of those three</p> <p>3 states and it's easier for me to get a driver's license</p> <p>4 in that state, then I may have a lower percentage of</p> <p>5 citizens who don't have a photo ID than another state</p> <p>6 might have where it's more difficult to get a driver's</p> <p>7 license?</p> <p>8 SEN. FRASER: I'm not advised.</p> <p>9 SEN. DAVIS: Are you aware that even in</p> <p>10 those states, in the 1.2 percentage number, there was a</p> <p>11 disparate impact that was found on elderly and women and</p> <p>12 African-Americans in terms of people who actually had</p> <p>13 the eligible photo ID that's counted in that percentage?</p> <p>14 SEN. FRASER: I'm not advised.</p> <p>15 SEN. DAVIS: Does it concern you at all</p> <p>16 that the bill that we are looking at today, the bill</p> <p>17 that you filed, might have a disparate impact on women,</p> <p>18 minorities and senior citizens, possibly disabled people</p> <p>19 in the State of Texas?</p> <p>20 SEN. FRASER: The bill that we're filing</p> <p>21 today I believe will be approved by the U.S. Supreme</p> <p>22 Court, and also the bill in Georgia was precleared by</p> <p>23 the Justice Department. So I believe our bill will</p> <p>24 comply with both of those.</p> <p>25 SEN. DAVIS: Okay. Well, I'm going to</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000079

JA_000078

TX_00000079

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">93</p> <p>1 read to you from the Supreme Court opinion, the U.S. 2 Supreme Court opinion when it was reviewing the Indiana 3 law.</p> <p>4 They acknowledged that there is evidence 5 in the record, in fact, of which we may take judicial 6 notice that indicates that a somewhat heavier burden may 7 be placed on a limited number of persons by virtue of 8 the photo ID requirement. They include elderly persons 9 born out of state, persons who, because of economic or 10 other personal limitations, may find it difficult either 11 to secure a copy of their birth certificate or to 12 assemble the other required documentation to obtain a 13 state-issued ID, homeless persons and persons with a 14 religious objection to being photographed.</p> <p>15 *If we assume, as the evidence suggests, 16 that some members of these classes were registered 17 voters when the Indiana law was enacted, the new 18 identification requirement may have imposed a special 19 burden on their right to vote. The severity of that 20 burden is, of course, mitigated by the fact that if 21 eligible voters without photo ID may cast provisional 22 ballots, that will ultimately be counted."</p> <p>23 Are you aware that in the State of 24 Indiana, I can cast a provisional ballot, and the 25 Supreme Court made its decision in terms of whether the</p>	<p style="text-align: right;">95</p> <p>1 SEN. DAVIS: Okay. Let's look at the 2 things that are required in your bill in terms of a 3 photo ID. And I appreciate what you said earlier. I 4 think it's true. I think if you ask anybody on the 5 street that you might walk up to at this moment in time 6 whether they think it's a good idea for someone to show 7 a photo ID in order to vote, they would probably agree. 8 What they might not understand in agreeing with that, 9 though, are what the requirements are going to be in the 10 State of Texas in order for them to comply with that 11 particular requirement, and they also might not 12 appreciate the challenge and the difficulty that some 13 people may have in supplying that.</p> <p>14 SEN. FRASER: Senator, this is not rocket 15 science. The people of your district understand very 16 clearly that when they walk into that voting booth, they 17 have to show a photo ID proving they are who they say 18 they are. The people in Fort Worth, that area, I have 19 the polling data -- I believe the number is about -- 20 around 90 percent. And of that, that's Republicans and 21 Democrats. So I believe the people that elected you, 22 sent you down here, have said, "We believe that when you 23 go in to vote, you should show identification to prove 24 you are who you say you are." It's a very, very simple 25 concept.</p>
<p style="text-align: right;">94</p> <p>1 burden was constitutionally acceptable, based on the 2 fact in Indiana, I can cast a provisional ballot, and if 3 I attest to the fact that I'm unable to pay for the cost 4 of getting the underlying documents to receive a photo 5 ID, that I do not, in voting my provisional ballot, have 6 to show a photo ID?</p> <p>7 SEN. FRASER: Senator, my observation is 8 that what you've read from the Supreme Court opinion is 9 a portion of it, but it's a snippet. And it also 10 continues to say that these do not present an undue 11 burden for the person to vote.</p> <p>12 SEN. DAVIS: That's correct. They said 13 they did not believe that it created a constitutionally 14 prohibited burden, based on the fact that voters in the 15 State of Indiana have the opportunity to vote a 16 provisional ballot even if they don't have a photo ID, 17 if they can show that they were unable to get one, 18 either because of their circumstances as an elderly 19 person or because they're indigent. Does your bill 20 provide a special exception for people under those 21 circumstances to vote a provisional ballot?</p> <p>22 SEN. FRASER: The bill that I'm moving 23 forward I believe will be approved by the U.S. Supreme 24 Court and will be precleared by the Department of 25 Justice.</p>	<p style="text-align: right;">96</p> <p>1 SEN. DAVIS: Are you aware that in the 2 Indiana law and also in the Georgia law, people are 3 allowed to come and vote with a state-issued student ID 4 if they're attending a state university?</p> <p>5 SEN. FRASER: I'm not advised.</p> <p>6 SEN. DAVIS: And your bill does not allow 7 that kind of a photo ID to be used. Is that correct?</p> <p>8 SEN. FRASER: We have four forms of ID 9 that we have laid out as acceptable. Those are all 10 recognized acceptable forms of identification that we 11 have recommended.</p> <p>12 SEN. DAVIS: And it does not include that, 13 for the record. Are you also aware that in the Indiana 14 law and in the Georgia law, the ID can be expired and 15 still be utilized, but under the requirements in your 16 bill, that cannot occur?</p> <p>17 SEN. FRASER: You know, I think our belief 18 is that someone should have a valid ID that has not 19 expired. "Expired" implies it is not valid, and we in 20 Texas believe you should have a valid ID.</p> <p>21 SEN. DAVIS: What will I do if my driver's 22 license expires the day before I go to vote and I'm not 23 aware of it until I show up at the polling place?</p> <p>24 SEN. FRASER: And I would ask you, what 25 would happen if you were driving to the polling place</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000080

JA_000079

TX_00000080

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 with an invalid driver's license? What would happen? 2 SEN. DAVIS: I would get a ticket, but I 3 wouldn't be denied my constitutional right to vote as a 4 legal citizen of the United States. 5 SEN. FRASER: You would not be denied your 6 right to vote. Under this law and under this bill, as 7 you know, if you walk in with an invalid driver's 8 license, you would be allowed to vote. It would be a 9 provision vote, and you would be allowed six days to go 10 back to the place that issues driver's license, get a 11 valid license and come back, and your vote would be 12 counted. 13 SEN. DAVIS: Well, we had a conversation 14 about that earlier in terms of how difficult and 15 challenging -- for some people it actually is -- to be 16 able to comply with that requirement. But let me ask 17 you for a moment, if I bring in a state-issued Texas 18 driver's license and it expired 30 days ago or 60 days 19 ago or a year ago, how does that fail to prove that I'm 20 the person on the card, simply because it has expired? 21 SEN. FRASER: Well, I would ask you the 22 same question. If your driver's license expired 30 days 23 ago, is it acceptable to the patrolman that just stopped 24 you? It's expired. 25 SEN. DAVIS: I'm asking you the question.</p>	<p>97</p> <p>1 in this room needs to appreciate the burden that people 2 have when they're being asked to supply some of the 3 documentation that's required in your bill. And I've 4 put together a little chart that I just want to go over 5 very quickly. I won't belabor the point. 6 Can you bring it closer over here, Dan, so 7 I can actually point at it? 8 Thank you. 9 Now, each of us, whether we're in the 10 Senate or the House of Representatives in the State of 11 Texas, we each bring unique backgrounds and perspectives 12 to the table. And because of our unique backgrounds and 13 perspectives, we're able to represent people in ways 14 that hopefully contribute to a better understanding for 15 each of us in terms of how we can best serve them. 16 Senator Fraser, I came from a fairly 17 challenged background before I arrived on the floor of 18 the Texas Senate. I had the opportunity to receive an 19 incredible education that ultimately allowed me the 20 privilege of standing here and having a conversation 21 with you today. But there was a time when I was 22 indigent, there was a time when I was a single mother 23 and I was working a full-time job during the day in 24 Dallas, from which I had to leave my house at 6 o'clock 25 in the morning every morning to arrive at, and I worked</p>
<p>98</p> <p>1 The reason that we are advocating or you are advocating 2 for photo ID is so that the person who is receiving my 3 ballot can verify that I am the person casting it. 4 Correct? 5 SEN. FRASER: Yes. 6 SEN. DAVIS: And if my driver's license is 7 expired but it's a state-issued driver's license and it 8 has my name and it has my picture on it and my name 9 matches what's on the registrar's -- the precinct rolls, 10 how does that fail to prove that I'm who I am? 11 SEN. FRASER: I think we go back to the 12 word "valid," do you have a valid Texas driver's 13 license? 14 SEN. DAVIS: How does it fail to prove 15 that I am who I am? 16 SEN. FRASER: You don't have a valid Texas 17 driver's license. 18 SEN. DAVIS: And as I said earlier, in 19 Georgia and in Indiana, under the laws that were deemed 20 acceptable by the Supreme Court and the courts in 21 Georgia received preclearance by the Department of 22 Justice, each of those allows some acceptance of expired 23 IDs. 24 I want to talk a little bit about how 25 difficult it is, because I really think every one of us</p>	<p>100</p> <p>1 a part-time job four nights a week waiting tables. 2 If I had been required during that point 3 in time to show some of the ID requirements that are 4 being proposed under your bill, I have to admit to you 5 that I would have been quite challenged in being able to 6 accomplish it. I had gotten divorced, so my name was 7 different on my state ID than was on the registration 8 rolls. And so because of that, I would have had to go 9 through the process of trying to get a new state ID. 10 And, honestly, with my schedule, it would have been 11 fairly impossible for me to achieve it. 12 I think it's pretty easy for us to stand 13 on the Senate floor where we are today and the shoes 14 we're in today and say, "Why should that be a problem?" 15 But for people who have to take time off of work and for 16 whom that's an unaffordable idea, it can be a very, very 17 real problem. 18 The other issue, in trying to receive a 19 state ID in the State of Texas is, it's almost a 20 circular process. In order to get the state ID, you 21 have to have underlying ID that provide you with the 22 opportunity to get that ID. And I know we're talking 23 right now in the State of Texas about giving free ID to 24 people who come in to the Department of Motor Vehicles 25 and ask for that ID, based on the fact that they want to</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000081

JA_000080

TX_00000081

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>101 1 vote.</p> <p>2 But if I can't provide underlying 3 documentation, I'm going to have to go get that 4 underlying documentation, and it's going to cost me 5 money, and I'm concerned about that person. I'm 6 concerned that if I need a birth certificate in the 7 State of Texas, it's going to cost me \$23. I'm also 8 concerned that I might have a really hard time getting 9 that birth certificate. And if you look to see what you 10 can show in order to get it, you see the circularity of 11 the problem. You can show a driver's license or you can 12 show a state ID. Well, the reason I need the birth 13 certificate is so I can get my driver's license or my 14 state ID.</p> <p>15 In order for me to get a birth 16 certificate, I can show a social security card as one of 17 my underlying two documents that are required. But in 18 order to have a social security card, I've got to have a 19 driver's license or a state ID, so it puts me right back 20 at my original problem. To get my driver's license or 21 my state ID, I might be able to use a passport. But in 22 order to use my passport, I'm going to have to have a 23 birth certificate, but I couldn't get my birth 24 certificate because I didn't have a driver's license or 25 a state ID to get my birth certificate.</p>	<p>103 1 I think what I would ask you is to give 2 evidence, either in Indiana or Georgia, of a single 3 person that has come forward and said that they were 4 denied their ability to vote because of these 5 provisions, because in my knowledge, there has not been 6 a single person that came forward.</p> <p>7 SEN. DAVIS: And again, you know, when you 8 turn to those two laws, they actually provide some 9 exceptions that are not provided in your bill, and so 10 the instances in which people were excluded or 11 prohibited from exercising their constitutional right to 12 vote won't have been challenged in the same was as being 13 proposed for the State of Texas under this particular 14 bill.</p> <p>15 I want to ask you a question about what 16 happens, as a woman, if I come in to vote and I have my 17 state ID, and the name on my state ID is different than 18 my name on the registrar's certificate, because I've 19 either married or divorced. What will happen in that 20 situation?</p> <p>21 SEN. FRASER: The question has already 22 been asked twice. We will have someone here from the 23 Secretary of State and the DPS that can answer that 24 question for you.</p> <p>25 SEN. DAVIS: Okay. Back to the fiscal</p>
<p>102 1 You see the problem? It's not just the 2 problem of the time one has to take off of work in order 3 to comply with this requirement, it's not just a problem 4 of how much money it costs. Sometimes it can be a 5 problem of almost a near impossibility for a person to 6 be able to provide the underlying documentation in order 7 for them to go and vote.</p> <p>8 And my concern about that is, we will 9 disparately impact persons who find greater challenges 10 in fulfilling the underlying documentation requirements; 11 and, yet, we haven't provided anywhere in the bill, as 12 was done in Indiana, a provisional opportunity for 13 someone to come and cast a ballot and say that they were 14 unable to comply with the requirements for a photo ID. 15 Why is that?</p> <p>16 SEN. FRASER: Senator, I appreciate the 17 story you just gave. And I would advise you of the 18 other 31 members here. There's a lot of people that can 19 tell like stories. When I was 16 and working on a 20 potato picker in California or when I was 17 working 21 picking cucumbers in Rising Star or when I was 18, 22 picking cotton in West Texas, I figured out a way to 23 have time after work to go get a driver's license, 24 because I really wanted one. I worked that into the 25 schedule, as I think a lot of people do.</p>	<p>104 1 note, Senator Fraser. The fiscal note -- 2 SEN. FRASER: We've also talked about that 3 a couple of times. 4 SEN. DAVIS: Yes, we did, but I want to 5 ask this question. The fiscal note, of course, 6 described the methodology under which the \$2 million 7 figure was compiled, and it specifically states that it 8 left out the cost for training poll workers and election 9 officers. It specifically states that it left out any 10 cost for coordinating voter registration drives. It 11 specifically states that it left out the costs of 12 providing the ID cards, all of that because it is an 13 unknown number. 14 SEN. FRASER: Well, you're making an 15 assumption, and this amount was brought forward by LBB 16 after they talked to the secretary of the State. The 17 Secretary of State, I think, they can answer that 18 question. But I disagree that it's unknown. I believe 19 the Secretary of State and LBB knew exactly what they 20 were doing when they brought it forward, because that's 21 their job. 22 SEN. DAVIS: Well, it literally says that. 23 It says, "The fiscal impact of the revenue loss from the 24 prohibition of DPS to collect a fee is unknown because 25 it is not known how many people would make such a</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000082

JA_000081

TX_00000082

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 request."</p> <p>2 SEN. FRASER: And that is a correct 3 statement.</p> <p>4 SEN. DAVIS: And it also says that the 5 cost of coordinating voter registration drives or other 6 activities designed to expand registration is also 7 unknown, and it also says that the cost for 8 responsibilities, the training for people who would be 9 responsible for implementing this is unknown.</p> <p>10 Now, if I file a bill this session and I'm 11 challenged, based on the fiscal impact of the bill, 12 clearly this session more than any other will be very, 13 very concerned about that. And the LBB has put a 14 statement on it that they really don't know what the 15 cost is, but intuitively we understand there's going to 16 be a cost. We'll probably have a conversation about 17 that. Right?</p> <p>18 SEN. FRASER: And I think the conversation 19 you should have should be the Secretary of State in 20 discussing the HAVA funds that the federal government 21 has provided to both Indiana and Georgia for the 22 implementation of their law that we believe will be 23 approved for that, but it has not been approved, because 24 HAVA has clearly said the bill has to be passed before 25 they could pass judgment on whether those funds could be</p>	<p>105</p> <p>1 ID. But basically that is current law, and I think it 2 would be a good thing to ask the Secretary of State. 3 Everything you've read is current law.</p> <p>4 SEN. DAVIS: Well, it's not current law, 5 because it changes it from the difference being on the 6 voter registration certificate versus being on the 7 person's ID. What I'm concerned about is that if I come 8 in with an ID and my address has changed and I have the 9 correct address on the precinct list that's different 10 than what's on my ID, that a poll worker might actually 11 reject my opportunity to vote, because the address on my 12 ID is showing differently than is showing on the 13 precinct list.</p> <p>14 SEN. FRASER: And the good thing about 15 that is, these HAVA funds that we're going to request 16 will also train poll workers to make sure they 17 understand it. The ruling would be made by the 18 Secretary of State, and they will train them how to do 19 that, and I feel very comfortable that you would get to 20 vote.</p> <p>21 SEN. DAVIS: Well, I'm glad you feel very 22 comfortable, Senator Fraser. I remain very, very 23 concerned about the number of people under the very 24 severe restrictions that are imposed by the bill you 25 have proposed. I'm very concerned about the number of</p>
<p>1 used. That amount of money is setting in the Secretary 2 of State's office now, and I think that would be a good 3 question to ask them.</p> <p>4 SEN. DAVIS: Let me ask a question about 5 the bill itself. I'm a little confused about a section. 6 This is on Page 5. I'm reading from Section 8, 7 Subsection (a). "If the voter's address is omitted from 8 the precinct list under Section 18.005(c), the officer 9 shall ask the voter if the voter's residence, if listed, 10 on ID presented by the voter under Section 63.001(b) is 11 current and whether the voter has changed residence 12 within the county." What if the answer is "No," what is 13 the election worker to do at that point?</p> <p>14 SEN. FRASER: That's a perfect question to 15 ask the Secretary of State.</p> <p>16 SEN. DAVIS: It's your bill, though, 17 Senator Fraser, and the language is here. And there is 18 no guidance for someone -- if we were to vote on a bill 19 like this, how are we to know how a situation like that 20 would be handled if it's not addressed in the bill?</p> <p>21 SEN. FRASER: Senator, I'm sure you're 22 aware through -- the past session, you were here. 23 You're reading current law. There is one change there 24 where we insert "presented by the voter under Section 25 63.001," which is the description I think of the photo</p>	<p>106</p> <p>107</p> <p>1 people who may be impacted by it. And I understand and 2 agree with you, that assuring that voter fraud is not 3 occurring is very, very important, and it's a 4 conversation we should be having and a cure we should 5 all attempt to find.</p> <p>6 But in the process, I'm very afraid that 7 we're going to wind up disenfranchising people who 8 currently are legal citizens in the State of Texas who 9 have the legal opportunity to vote and are going to be 10 denied the right for that right under your bill as it's 11 proposed today.</p> <p>12 SEN. FRASER: And I believe our bill will 13 be approved by the U.S. Supreme Court and approved in 14 Section 5 by the Department of Justice.</p> <p>15 Thank you.</p> <p>16 SEN. DAVIS: Thank you.</p> <p>17 CHAIRMAN DUNCAN: Senator West.</p> <p>18 SEN. WEST: Thank you very much, 19 Mr. Chairman. I would like to ask the author a couple 20 of questions.</p> <p>21 Senator Fraser, good morning, sir.</p> <p>22 SEN. FRASER: I think we commented about 23 the Barry White voice last year. I was reading the 24 deposition.</p> <p>25 SEN. WEST: That was actually Billy Ocean,</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000083

JA_000082

TX_00000083

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 which both of us like.</p> <p>2 SEN. FRASER: Both of us do like. I 3 agree.</p> <p>4 SEN. WEST: Now, we're not going to have 5 any unfunded mandates on counties, are we? This bill 6 would not occasion any unfunded mandates on counties.</p> <p>7 SEN. FRASER: This bill?</p> <p>8 SEN. WEST: Yes, this bill that you're 9 proposing. The counties will not have to pick up any of 10 this cost -- is that correct -- because that would be an 11 unfunded mandate? And I know you are not for unfunded 12 mandates. Right?</p> <p>13 SEN. FRASER: I am not for -- I'm opposed 14 to unfunded mandate, but I'm not advised of whether it 15 would be --</p> <p>16 SEN. WEST: So you can tell counties, you 17 can tell all county officials in the sound of my voice 18 and your voice that there will be no unfunded mandates 19 in this bill and counties will not have to spend any 20 money that they don't have right now to implement this 21 particular bill. Correct?</p> <p>22 SEN. FRASER: I had my largest county, 23 Bell County, in my office last week, and I told Judge 24 Burrows at that time that I'm opposed to unfunded 25 mandate and, you know, we'll do everything we can to</p>	<p>109</p> <p>1 your objective is?</p> <p>2 SEN. FRASER: No. My philosophy is that I 3 do everything I can trying to keep any unfunded 4 mandates. I'm not advised of how they would be 5 impacted.</p> <p>6 SEN. WEST: All right. So you can't tell 7 county officials that there are not unfunded mandates in 8 this bill?</p> <p>9 SEN. FRASER: Well, as you know, a lot of 10 times there's unintended consequences, and we don't know 11 until it's passed, the impact.</p> <p>12 SEN. WEST: It was your bill, though.</p> <p>13 This is your bill. You don't know --</p> <p>14 SEN. FRASER: My bill says that --</p> <p>15 SEN. WEST: I'm just --</p> <p>16 SEN. FRASER: -- when you walk into the --</p> <p>17 SEN. WEST: I'm just trying to find out 18 whether or not county officials are going to have to 19 pick up any of the cost in terms of putting this bill 20 into effect. You tell me. Tell the county officials 21 that there are no unfunded mandates in this bill. Tell 22 them.</p> <p>23 SEN. FRASER: I'm not advised.</p> <p>24 SEN. WEST: So what you're telling county 25 officials, that you're not advised as to whether or not</p>
<p>110</p> <p>1 keep them off the counties.</p> <p>2 SEN. WEST: So you're telling county 3 officials there are no unfunded mandates coming from 4 this bill?</p> <p>5 SEN. FRASER: I didn't say that.</p> <p>6 SEN. WEST: So there may be unfunded 7 mandates coming from this bill?</p> <p>8 SEN. FRASER: Not advised.</p> <p>9 SEN. WEST: So let me back up. And I want 10 to pursue this just a minute now. You philosophically 11 are not for unfunded mandates. Right?</p> <p>12 SEN. FRASER: That's a correct statement.</p> <p>13 SEN. WEST: That is a correct statement. 14 And you, by your action in previous legislatures, have 15 made certain that you have not passed any bills that 16 would provide for unfunded mandates on the counties. 17 Right?</p> <p>18 SEN. FRASER: I have made an effort not to 19 vote, if possible.</p> <p>20 SEN. WEST: Okay. Now, in this particular 21 bill, it is your objective to make certain that there 22 are no unfunded mandates on any county in this entire 23 state. Is that correct?</p> <p>24 SEN. FRASER: I'm not advised.</p> <p>25 SEN. WEST: You're not advised as to what</p>	<p>111</p> <p>1 there is any unfunded mandates in this bill. Correct?</p> <p>2 SEN. FRASER: I'm sure that there's 3 probably an expert witness coming. You probably can ask 4 a question. Someone, or someone may be coming to 5 testify about that, but --</p> <p>6 SEN. WEST: All right. Let's talk about 7 expert witnesses. Did you ask for the fiscal note in 8 this bill?</p> <p>9 SEN. FRASER: I'm sorry?</p> <p>10 SEN. WEST: Did you ask for the fiscal 11 analysis in this bill -- the fiscal note?</p> <p>12 SEN. FRASER: No. I think the committee 13 chairman did. I believe the -- there is a fiscal note 14 requested. I did not request it.</p> <p>15 SEN. WEST: Did you review the fiscal 16 note?</p> <p>17 SEN. FRASER: The fiscal note was handed 18 to me. I read the fiscal note. I guess reviewing it, 19 yes, I read it.</p> <p>20 SEN. WEST: Okay. Go to the local 21 government impact section of it, Page 2 of 3, down at 22 the bottom.</p> <p>23 SEN. FRASER: Yes.</p> <p>24 SEN. WEST: Okay. Second paragraph, 25 "According to Texas Association of Counties, Tarrant</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000084

JA_000083

TX_00000084

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>113</p> <p>1 County anticipated a one-time cost to reprint 2 provisional balloting materials and provides new 3 notices, of \$8,000. Bexar County stated that due to 4 limited space on current registration certificate, large 5 cards would be necessary, resulting in additional costs 6 for cards, printing and postage of \$381,000, "et cetera. 7 8 Is that a cost that is going to be picked 9 up by the state or is that going to be a cost that's 9 going to be occasioned by the counties?</p> <p>10 SEN. FRASER: Senator, you're on the 11 Finance Committee. You helped with proposing the draft 12 bill, and then you will be voting on the bill coming out 13 of the committee that you send to us, so I think you 14 would be better to answer that. My job is to pass the 15 bill. The implementation of the bill, then, and the 16 cost will have to be considered by the Finance 17 Committee.</p> <p>18 SEN. WEST: So let me make sure that I 19 understand this, then. The answer to that question is, 20 you don't know. So if we don't appropriate that 21 money -- that being the Legislature doesn't appropriate 22 that money -- then that's an unfunded mandate. Correct?</p> <p>23 SEN. FRASER: My job is to bring the bill 24 forward, put it before the membership, advise what the 25 bill will do. And then if there's a fiscal impact --</p>	<p>115</p> <p>1 SEN. FRASER: You're asking me a question. 2 No, I do not know -- 3 SEN. WEST: Okay. Thank you. Now, as it 4 relates to -- this bill, plus the costs that we don't 5 know, you've said repeatedly that it's going to cost at 6 least \$2 million. And we know, based on the fiscal 7 note, that there's still some undetermined cost. 8 SEN. FRASER: I have not said one time 9 that it's going to cost \$2 million. I've said there is 10 a fiscal note that has been projected, but there are 11 dollars in the HAVA fund, federal funds, that are 12 setting in the Secretary of State's office that far 13 exceed that number. And I think the Secretary of State 14 probably will let us know what that is. So there is a 15 pot of money there that we believe will help offset some 16 of the associated expenses. I do not believe the cost 17 will be \$2 million. 18 SEN. WEST: Now, the HAVA funds, is that 19 general revenue or is that federal funds? 20 SEN. FRASER: Federal funds. 21 SEN. WEST: Okay. 22 SEN. FRASER: And I believe I'm right, but 23 again, I would ask that question of the Secretary of 24 State if I were you. 25 SEN. WEST: Okay. Well, as it relates to</p>
<p>114</p> <p>1 SEN. WEST: Advise what the bill will do? 2 SEN. FRASER: The bill is going -- 3 SEN. WEST: Is that your job? Didn't you 4 just say part of your job is to advise what it will do? 5 SEN. FRASER: Yes. What it's going to do 6 is that when you walk into -- 7 (Simultaneous discussion) 8 SEN. WEST: So I'm asking you -- 9 SEN. FRASER: -- in Oak Cliff and want to 10 vote, you're going to have to show your smiling face -- 11 SEN. WEST: And I'm asking what it will 12 do. I'm asking what it will do in terms of unfunded 13 mandates right now. 14 SEN. FRASER: Not advised about unfunded 15 mandates. 16 SEN. WEST: Not advised. So where will 17 the counties get this money under the local impact -- 18 (Simultaneous discussion) 19 SEN. FRASER: And I think that's going to 20 be your responsibility as a member of Finance. 21 SEN. WEST: Do you know -- then let me ask 22 this question. Do you know where the county will get 23 the money from, counties will get that money from? 24 Under the local government impact, do you know where the 25 counties will get that money from?</p>	<p>116</p> <p>1 general revenue, now, as I understand and as I've used 2 the term "general revenue" over the last 17 years I've 3 been here -- and maybe Senator Ogden or someone else on 4 the Finance Committee can correct me if I'm wrong -- 5 general revenue basically means state funds -- right -- 6 monies that we get from state -- 7 SEN. FRASER: You are the member of 8 Finance. 9 SEN. WEST: Well, let me -- general 10 revenue -- okay. Well, then, take my word for it; 11 that's what it means. It means monies that we receive 12 from tax revenues in the State of Texas, not HAVA funds 13 but revenues from taxes and revenues that are -- and 14 sources of revenues that we get from citizens in the 15 State of Texas. And that's what this deals with, it is 16 specifically general revenue-related funds, not HAVA 17 funds. HAVA funds are federal funds. So let's make 18 sure -- in terms of my questions, that's the distinction 19 that I'm making. 20 SEN. FRASER: Well, the distinction you're 21 not making is that if the HAVA funds are not available, 22 yes, there would be a cost to the state. But if HAVA 23 funds are available, it would offset that cost to the 24 state. 25 SEN. WEST: Where do you see that in this</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000085

JA_000084

TX_00000085

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 fiscal note?</p> <p>2 SEN. FRASER: It's not in that. That's</p> <p>3 conversation --</p> <p>4 SEN. WEST: Then how are you making that</p> <p>5 statement, if it's not in this fiscal note? There's</p> <p>6 nothing in the fiscal note that says that.</p> <p>7 SEN. FRASER: Mr. Chairman?</p> <p>8 CHAIRMAN DUNCAN: Senator Fraser.</p> <p>9 SEN. FRASER: Could I please enter into</p> <p>10 the record -- this is information coming that is</p> <p>11 addressing the questions he's talked about addressing</p> <p>12 HAVA. I would like to have this added as an exhibit,</p> <p>13 please.</p> <p>14 CHAIRMAN DUNCAN: Bring it forward to the</p> <p>15 Secretary, if you would, and we'll need to --</p> <p>16 SEN. WEST: May we approach on it, Your</p> <p>17 Honor -- Your Honor -- may we approach on it,</p> <p>18 Mr. Chairman?</p> <p>19 CHAIRMAN DUNCAN: You may.</p> <p>20 (Brief pause)</p> <p>21 SEN. FRASER: Mr. President?</p> <p>22 CHAIRMAN DUNCAN: Senator Fraser, if</p> <p>23 you'll hold on just a minute. I'm going to allow --</p> <p>24 we're already premarked a couple of exhibits. And so</p> <p>25 just in order to keep the record flowing correctly, I'm</p>	<p>117</p> <p>1 the \$2 million we're discussing, there is sufficient</p> <p>2 HAVA funds allocated to voter education and poll worker</p> <p>3 training that would cover this expense that is</p> <p>4 available.</p> <p>5 Also, in addition to your question, we</p> <p>6 have been advised by other counties saying they do not</p> <p>7 expect more than a nominal cost for counties, existing</p> <p>8 staff and resources should be sufficient to implement</p> <p>9 the new law.</p> <p>10 And I would request this be entered into</p> <p>11 the record.</p> <p>12 CHAIRMAN DUNCAN: Members, Senator Fraser</p> <p>13 sends up Exhibit No. 3. It will be received into the</p> <p>14 record.</p> <p>15 (Exhibit No. 3 marked and admitted)</p> <p>16 CHAIRMAN DUNCAN: Senator Fraser, you</p> <p>17 still have the floor. Senator West, Senator has yielded</p> <p>18 to you for questions.</p> <p>19 And before we do that, before we do that,</p> <p>20 let me make an announcement. We typically adjourn 30</p> <p>21 minutes ahead of session in order to allow the sergeants</p> <p>22 and secretary to prepare for the Senate session. So at</p> <p>23 10:30, I'll recognize a member on a motion to rise and</p> <p>24 report progress. So if you can watch the clock. It</p> <p>25 doesn't mean we're going to cut you off, it just means</p>
<p>118</p> <p>1 going to recognize Sen. Van de Putte at this point to</p> <p>2 introduce a motion in writing.</p> <p>3 Senator Van de Putte.</p> <p>4 SEN. VAN de PUTTE: Thank you,</p> <p>5 Mr. Chairman. And thank you, Chairman, and the bill</p> <p>6 author, to yield so that I can move that all actions</p> <p>7 taken by the Senate on the 81st Legislature on Senate</p> <p>8 Bill 362, as contained in the official Senate Journal,</p> <p>9 be included in the record as Exhibit 2. The Senate</p> <p>10 Journal excerpts shall include motions, remarks, written</p> <p>11 responses, exhibits and any other material directly</p> <p>12 related to Senate Bill 362.</p> <p>13 Mr. Chairman, I move this motion in</p> <p>14 writing.</p> <p>15 CHAIRMAN DUNCAN: Members, you've heard</p> <p>16 the motion. Is there any objection?</p> <p>17 The Chair hears none. Exhibit 2 will be</p> <p>18 received into the record.</p> <p>19 (Exhibit No. 2 marked and admitted)</p> <p>20 CHAIRMAN DUNCAN: Now, Senator Fraser,</p> <p>21 you're recognized on Exhibit 3, I believe.</p> <p>22 SEN. FRASER: And, members, just to</p> <p>23 clarify, what we're entering here is the answer to the</p> <p>24 question that we've been discussing. It is a letter</p> <p>25 from the Secretary of State, Hope Andrade, saying that</p>	<p>120</p> <p>1 at that point in time, we'll have to cease until we</p> <p>2 finish the Senate session.</p> <p>3 SEN. WEST: Thank you, Mr. Chairman.</p> <p>4 Senator Fraser?</p> <p>5 SEN. FRASER: Yes.</p> <p>6 SEN. WEST: Okay. So you've admitted this</p> <p>7 as part of the record. So these are federal funds and</p> <p>8 not general revenue. Is that correct?</p> <p>9 SEN. FRASER: No. Those are federal</p> <p>10 funds, as I understand it, yes.</p> <p>11 SEN. WEST: It's not general revenue?</p> <p>12 SEN. FRASER: Yes.</p> <p>13 SEN. WEST: Okay. And the certainty of it</p> <p>14 is still up in the air. Based on this document from the</p> <p>15 Secretary of State, they still have to confirm that the</p> <p>16 funds can, in fact, be used for this particular purpose?</p> <p>17 SEN. FRASER: That is correct, and that's</p> <p>18 what I advised earlier, is that HAVA has said until the</p> <p>19 passage of the bill, they would not rule, but the funds</p> <p>20 have been used before in Indiana and Georgia, and it is</p> <p>21 expected that we will be able to use them here.</p> <p>22 SEN. WEST: Okay. Now, you had made</p> <p>23 mention also that you've talked to some other counties</p> <p>24 and that there won't be any unfunded mandates on those</p> <p>25 counties?</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000086

JA_000085

TX_00000086

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">121</p> <p>1 SEN. FRASER: You didn't read the rest of 2 the fiscal note, is that Comal County reported the costs 3 associated with the provision would be absorbed within 4 existing revenues. You gave one example, but I think 5 most of the counties expect this to be a nominal cost 6 and that they have existing staff and resources --</p> <p>7 SEN. WEST: And then --</p> <p>8 SEN. FRASER: To handle this.</p> <p>9 SEN. WEST: I'm sorry. You said most of 10 the counties. You've given examples of three. You said 11 most of the counties. Is --</p> <p>12 SEN. FRASER: Do you have evidence from 13 others? I --</p> <p>14 SEN. WEST: There's 254 counties, and 15 you've just made a statement that most of the counties 16 have said they can absorb it within their normal --</p> <p>17 SEN. FRASER: I said I do not expect it to 18 be more than a nominal cost.</p> <p>19 SEN. WEST: But otherwise -- now Bexar 20 County is saying it's going to be over \$380,000. That's 21 not a nominal cost, is it?</p> <p>22 SEN. FRASER: Well, I guess that's 23 something you should consider in the Finance Committee. 24 They have a huge budget, and in --</p> <p>25 SEN. WEST: Who has a huge budget?</p>	<p style="text-align: right;">123</p> <p>1 SEN. WEST: But that's Comal County. 2 That's not Travis County, that's not Harris County, 3 that's not Bell County or any of the other counties. 4 That's Comal County. Comal County is not indicative of 5 all of the counties in the State of Texas, is it?</p> <p>6 SEN. FRASER: I think what you should do, 7 then, is get 254 counties, if you'll call them all and 8 get that number and --</p> <p>9 SEN. WEST: Okay. Well, I mean, it's your 10 bill.</p> <p>11 (Simultaneous discussion)</p> <p>12 SEN. FRASER: -- Finance.</p> <p>13 SEN. WEST: And the reality is, if it's an 14 unfunded mandate, you're responsible for it if this bill 15 passes. Now, let me ask you this: The \$2 million, the 16 \$2 million that you're talking about, if it does not 17 come from HAVA funds, then it's going to have to come 18 from general revenue. Is that correct?</p> <p>19 SEN. FRASER: I'm not advised. I'm not a 20 member of Finance; you are. And I think that would be a 21 decision of Finance.</p> <p>22 SEN. WEST: Let's talk about just sections 23 of the bill. Specifically, the issue concerning -- and 24 I think you and Senator Davis have gone over this. And 25 I'm on page, in Section 7 of the bill, specifically (c)</p>
<p style="text-align: right;">122</p> <p>1 SEN. FRASER: The large counties.</p> <p>2 SEN. WEST: I'm sorry?</p> <p>3 SEN. FRASER: The large counties.</p> <p>4 SEN. WEST: They have huge budgets?</p> <p>5 SEN. FRASER: Yes. And you will have to 6 make that decision.</p> <p>7 SEN. WEST: They don't have budget 8 shortfalls in large counties?</p> <p>9 SEN. FRASER: If I were you, then I would 10 discuss that with the chairman --</p> <p>11 SEN. WEST: But the reality is, the 12 reality is, is that if -- and I won't belabor the 13 point -- the reality is, if those counties will have to 14 fund this out of existing revenue from their budgets, 15 it's going to be an unfunded mandate on them if the 16 state does not appropriate the money. Is that correct?</p> <p>17 SEN. FRASER: Yes. It is expected that it 18 will be a nominal cost for counties. Existing staff and 19 resources should be sufficient to implement the new law.</p> <p>20 SEN. WEST: And where are you getting that 21 from?</p> <p>22 SEN. FRASER: From the sheet here. If 23 you'll follow, Comal County reported the cost associated 24 with the provision of the bill should be absorbed within 25 existing revenues.</p>	<p style="text-align: right;">124</p> <p>1 and (d). Let me know when you're with me on it.</p> <p>2 SEN. FRASER: What page are you on?</p> <p>3 SEN. WEST: I'm in Section 7 of the bill.</p> <p>4 SEN. FRASER: That's Section 11.</p> <p>5 Six, 7. Okay. Got it. Okay.</p> <p>6 SEN. WEST: Okay. As relates to -- let's 7 talk about the election officer. Now, what's the 8 definition of the election officer?</p> <p>9 SEN. FRASER: That would be a good 10 question to the Secretary of State.</p> <p>11 SEN. WEST: So you don't know what an 12 election officer is?</p> <p>13 SEN. FRASER: I've got a witness, you 14 know, an expert witness coming in that -- you know, I 15 think I do, but it would be improper for me to answer. 16 I've got an expert person you can ask.</p> <p>17 SEN. WEST: Let me ask this: Did you rely 18 on the Secretary of State's office in helping to draft 19 this bill?</p> <p>20 SEN. FRASER: We have had a lot of 21 discussion with the Secretary of State's office over the 22 last three years in the process of drafting bills.</p> <p>23 SEN. WEST: So you don't know what an 24 election officer is?</p> <p>25 SEN. FRASER: I didn't say I don't know</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000087

JA_000086

TX_00000087

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>125</p> <p>1 what the election officer is. But the Secretary of 2 State is coming, and it would be improper for me to 3 answer that if we have an expert witness that can answer 4 it, you know, for sure.</p> <p>5 SEN. WEST: So it would be improper for 6 you to answer what an election officer is?</p> <p>7 SEN. FRASER: No. We've got an expert 8 witness that would be the better person to ask.</p> <p>9 SEN. WEST: Okay. In terms of what an 10 election officer is in your bill. Okay.</p> <p>11 As it relates to Section (d), you say 12 that, "If the voter's name is on the precinct list of 13 registered voters and the voter's identity can be 14 verified from the documentation presented under 15 Subsection (b), the voter shall be accepted for voting." 16 But if, indeed -- and the election officer is to make 17 that determination. Is that correct?</p> <p>18 SEN. FRASER: Again, that's a great 19 question to ask the Secretary of State's office.</p> <p>20 SEN. WEST: How does your bill work? Tell 21 us how your bill works.</p> <p>22 SEN. FRASER: You know, it's a -- (Simultaneous discussion)</p> <p>23 SEN. WEST: I mean, would that be a great 24 question to ask the Secretary of State?</p>	<p>127</p> <p>1 record your intent as the author of this bill.</p> <p>2 SEN. FRASER: My intent, as the author of 3 the bill, is that I'm going to give the authorization to 4 the Secretary Of State to make a ruling and train the 5 poll workers so that it would be clear that they're 6 allowing the proper person to vote.</p> <p>7 SEN. WEST: They're allowing the proper 8 person to vote. So in that circumstance, would it be up 9 to the election officer there to determine whether I'm 10 the same person --</p> <p>11 SEN. FRASER: I think it would be up to 12 the Secretary of State --</p> <p>13 SEN. WEST: Let me finish; let me finish. 14 -- whose last name is W-e-s, but my 15 identification says W-e-s-t, and I'm presenting that, it 16 would be up to that election worker. Right?</p> <p>17 SEN. FRASER: I think that would be a 18 great question to ask the Secretary of State.</p> <p>19 SEN. WEST: But what's your intent, 20 though? I'm just asking your intent. I can't ask the 21 Secretary of the Senate what's your -- I mean, Secretary 22 of State what your intent is.</p> <p>23 SEN. FRASER: I intend to -- (Simultaneous discussion)</p> <p>24 SEN. WEST: You've got to manifest your</p>
<p>126</p> <p>1 SEN. FRASER: It's a great concept. You 2 walk in in oak cliff to vote. And if you're in the 3 right precinct and your name is on the list and you pull 4 out your driver's license and you show it to them and 5 your smiling face on your driver's license matches 6 you --</p> <p>7 SEN. WEST: Well, let me --</p> <p>8 SEN. FRASER: -- I think they're going to 9 hand you a ballot and allow you to vote.</p> <p>10 SEN. WEST: Then let me ask you this: My 11 last name is spelled W-e-s-t. Suppose there's some 12 typographical error where they spelled it W-e-s, but 13 it's me. I have an ID, but my name is misspelled. What 14 happens then? I have to vote a provisional ballot?</p> <p>15 SEN. FRASER: I think that would be a good 16 question for the Secretary of State, because I think 17 they will cover that in the training with the election 18 officials you're discussing.</p> <p>19 SEN. WEST: What is your, intent, Senator?</p> <p>20 SEN. FRASER: My intent is that the 21 Secretary of State would make a ruling on that.</p> <p>22 SEN. WEST: Under those circumstances, 23 what would be your intent, as the author of this bill?</p> <p>24 If my name is W-e-s-t but there is a typographical error 25 someplace and it's W-e-s, what is the intent. Give the</p>	<p>128</p> <p>1 intent so the Secretary of State will know, have some 2 guidance in terms of how this bill should be 3 implemented. Don't you agree, as the author of the 4 bill?</p> <p>5 SEN. FRASER: My intent is to give the 6 Secretary of State the authorization to determine the 7 rules, train the poll workers. They would make a 8 determination on that.</p> <p>9 SEN. WEST: So the poll worker in this 10 instance would be the election officer? I have to ask 11 the Secretary of State?</p> <p>12 SEN. FRASER: You need to ask the 13 secretary of State.</p> <p>14 SEN. WEST: Okay. Poll workers, let's 15 talk about poll workers. How much do we pay poll 16 workers?</p> <p>17 SEN. FRASER: That would be a good 18 question to ask the Secretary of State.</p> <p>19 SEN. WEST: Okay. What's the minimum 20 wage? I would ask the Secretary of State?</p> <p>21 SEN. FRASER: What does that have to do 22 with this bill?</p> <p>23 SEN. WEST: I mean, I'm just trying to 24 understand exactly how much we pay our poll workers.</p> <p>25 SEN. FRASER: Again, Senator, you're</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000088

JA_000087

TX_00000088

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 asking the question. I would suspect probably poll 2 workers may be paid different from one county to 3 another. And it's an area -- I think that that's a good 4 question of the Secretary of State.</p> <p>5 SEN. WEST: Okay. Now, you keep referring 6 to the Secretary of State. But in the bill analysis, 7 doesn't it also say that this bill does not expressly 8 grant any additional rulemaking authority to the state 9 office -- to a state officer, institution or agency? 10 Does it say that? Do I have to ask the Secretary of 11 State about that also?</p> <p>12 SEN. FRASER: Senator, I'm sorry. I'm not 13 advised. I do not have a bill analysis. Do you have 14 one in front of you you would like show me?</p> <p>15 SEN. WEST: I do. Look under "Rulemaking 16 Authority."</p> <p>17 SEN. FRASER: We don't have it.</p> <p>18 SEN. WEST: You don't have a -- okay. In 19 the bill analysis, what it says is that this bill does 20 not expressly grant any additional rulemaking authority 21 to a state officer, institution or agency?</p> <p>22 SEN. FRASER: Isn't that standard language 23 that's put on every bill?</p> <p>24 SEN. WEST: I don't know. But what I'm 25 asking you is --</p>	<p>129</p> <p>1 from West Texas, the City of Lubbock. And they are 2 great voters and very concerned. And I've seen the 3 polling data that shows that West Texas was the highest 4 percentage of people that believe that they should show 5 their ID whenever they show up to vote. I'm really glad 6 to have them at my back.</p> <p>7 Go ahead.</p> <p>8 SEN. WEST: Do I need to ask the Secretary 9 of State about that, too, or what?</p> <p>10 SEN. FRASER: You could. These people 11 respect the opinion of the Secretary of State, and they 12 probably have already asked.</p> <p>13 SEN. WEST: Okay. Senator Fraser, a 14 couple of things. As it relates to the Carter-Baker 15 Commission, you've talked about the recommendations, and 16 you are following the recommendations that came out of 17 that commission. Is that correct?</p> <p>18 SEN. FRASER: No. I filed a piece of 19 legislation that I believe will be approved by the U.S. 20 Supreme Court and will be cleared by the Department of 21 Justice.</p> <p>22 SEN. WEST: Okay. Let me ask you this: 23 Have you made mention of the Carter-Baker Commission?</p> <p>24 SEN. FRASER: I have made references a 25 couple of times of things that they mentioned in their</p>
<p>130</p> <p>1 SEN. FRASER: You don't know?</p> <p>2 SEN. WEST: -- given the fact that you are 3 deferring everything to the Secretary of State, are you 4 going to put some additional language in the bill that 5 provides the Secretary of State some additional 6 rulemaking?</p> <p>7 SEN. FRASER: I think the key word there, 8 this does not provide any additional. I think it's 9 assumed that the Secretary of State has that ability 10 under current ability we've given the Secretary of 11 State.</p> <p>12 SEN. WEST: Let me ask this, Senator 13 Fraser. Okay. All right. You can't give me what your 14 intent is in that situation. I'll just take that for 15 granted.</p> <p>16 You have made reference to the Carter- 17 Baker Commission and recommendations. Is that correct?</p> <p>18 SEN. FRASER: I want to make an 19 observation here for Senator Whitmire. If you'll look 20 up, it is filling up, so there must be someone concerned 21 about the legislation we're talking about.</p> <p>22 What was the question?</p> <p>23 SEN. WHITMIRE: Lubbock.</p> <p>24 SEN. FRASER: While Senator West gathers 25 himself, I'll tell you that those are the great people</p>	<p>132</p> <p>1 report.</p> <p>2 SEN. WEST: Of the recommendations that 3 they mentioned, did you incorporate any of those in your 4 bill?</p> <p>5 SEN. FRASER: My bill is a bill I believe 6 that will be approved by the U.S. Supreme Court and be 7 approved by the Department of Justice and will --</p> <p>8 SEN. WEST: So the answer to the question 9 is what? Did you incorporate any of the recommendations 10 from the Carter-Baker Commission in your bill?</p> <p>11 SEN. FRASER: The bill that we're filing 12 is a bill that I believe will be approved by the U.S. 13 Supreme Court and be approved by the Department of 14 Justice.</p> <p>15 SEN. WEST: So the answer to the question 16 is?</p> <p>17 SEN. FRASER: That we're filing a bill 18 that's going to be approved by the U.S. Supreme Court.</p> <p>19 SEN. WEST: Well, that wasn't the question 20 asked. The question asked, did you incorporate any of 21 the recommendations in the Carter-Baker Commission in 22 your bill? That was the question I asked.</p> <p>23 SEN. FRASER: I read the Carter-Baker 24 report. And you know, obviously, I'm aware of the 25 things they're recommending. But the bill that I've</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000089

JA_000088

TX_00000089

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 drafted is based on the fact that whenever you walk in 2 to vote, I want you to show an ID proving you are who 3 you say you are, and I believe that bill will be 4 approved by the U.S. Supreme Court.</p> <p>5 SEN. WEST: So you don't know whether you 6 did or not. Is that the answer to my question?</p> <p>7 SEN. FRASER: My answer is, the bill that 8 we filed, that we brought forward, is a bill that 9 clearly says that whenever you vote, you need to show 10 your ID, and I believe that bill will be approved by the 11 U.S. Supreme Court.</p> <p>12 SEN. WEST: Was that one of the 13 recommendations of the commission?</p> <p>14 SEN. FRASER: I'm not advised.</p> <p>15 SEN. WEST: But you made reference to it 16 as a predicate for why this particular bill --</p> <p>17 SEN. FRASER: No. I made a reference to 18 comments that were made by the Carter-Baker Commission.</p> <p>19 SEN. WEST: What were those comments that 20 you made?</p> <p>21 SEN. FRASER: If you want to go over it 22 again, I can do my opening statement again if you would 23 like.</p> <p>24 SEN. WEST: No, just the comments from the 25 Carter-Baker Commission.</p>	<p>133</p> <p>1 I didn't reference that.</p> <p>2 SEN. WEST: Okay. But if they did make a 3 recommendation that we should do everything we can to 4 make certain people are registered to vote, you would 5 support that, wouldn't you?</p> <p>6 SEN. FRASER: The bill I'm filing, that 7 I'm filing today --</p> <p>8 SEN. WEST: No. That's not --</p> <p>9 SEN. FRASER: -- very clearly says that I 10 think it will be approved by the U.S. Supreme Court and 11 approved by the Department of Justice.</p> <p>12 SEN. WEST: And we need to ask the 13 Secretary of State. Okay. I understand that. But what 14 I'm asking is, you would agree that if we are trying to, 15 quote unquote, purify our election process, that we 16 should do everything we can in order to make certain 17 people are registered to vote. Wouldn't you agree with 18 that?</p> <p>19 SEN. FRASER: I think probably when the --</p> <p>20 SEN. WEST: Well, you would not agree with 21 that?</p> <p>22 SEN. FRASER: If you'll allow me to make a 23 statement.</p> <p>24 SEN. WEST: Sure.</p> <p>25 SEN. FRASER: I think when DPS comes up, I</p>
<p>1 SEN. FRASER: Carter-Baker Commission, 2 bipartisan -- Carter-Baker Commission affirms the 3 danger. Elections are at the heart of the democracy. 4 "Americans are losing confidence in the fairness of 5 elections, and while we do not face a crisis today, we 6 need to address the problems of our electoral system."</p> <p>7 The Carter-Baker Commission concluded at 8 the end of the day, there's considerable national 9 evidence of in-person voter fraud. And regardless of 10 whether one believes that voter impersonation is 11 widespread or relatively rare, there can be no serious 12 dispute that it is a real effect, can be substantial 13 because, in a close election, even a small amount of 14 fraud could make a margin of difference.</p> <p>15 SEN. WEST: Okay.</p> <p>16 SEN. FRASER: That was my reference to the 17 commission.</p> <p>18 SEN. WEST: Okay. Did they also 19 recommend, though, that we should use some sort of 20 mobile strategy, mobile strategy in order to get 21 vehicles out to different locations to --</p> <p>22 SEN. FRASER: I didn't reference that.</p> <p>23 SEN. WEST: No. I said did they also 24 recommend that, though?</p> <p>25 SEN. FRASER: I'm sorry. I'm not advised.</p>	<p>134</p> <p>136</p> <p>1 I think there's going to be a lot of discussion about what 2 can they do in the form of either making it easy for 3 people to sign up and/or even, maybe even a temporary 4 van for an area that Senator Uresti had talked about in 5 far West Texas. Those people that are, you know, 6 100 miles from the nearest location, maybe there's a way 7 to accommodate that. So I think the answer to your 8 question is, I'm anxious to hear the response of the 9 Department of Safety of what they're either able and/or 10 willing to do.</p> <p>11 SEN. WEST: And let's assume that they are 12 able and willing to do more than your bill permits. 13 Would you support an amendment that would enable them to 14 do what they're able to do in order to --</p> <p>15 SEN. FRASER: Have you prefilled that 16 amendment and have I had a chance to look at it?</p> <p>17 SEN. WEST: No. I'm asking you a question 18 right now.</p> <p>19 SEN. FRASER: And I'm asking you, have you 20 filed your amendment?</p> <p>21 SEN. WEST: Well, you basically said, sir, 22 that you have to wait -- we have to wait until you hear 23 their testimony before we can make a determination as to 24 whether or not they're --</p> <p>25 SEN. FRASER: No, I can't tell you --</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000090

JA_000089

TX_00000090

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>137</p> <p>1 SEN. WEST: Well, let me finish; let me 2 finish, please. Let me finish.</p> <p>3 What you just said a second ago is, is 4 that you want to defer to the Department of Public 5 Safety to make a determination as to whether or not 6 there are things that they can do in order to make 7 certain they're doing the outreach that's necessary to 8 accommodate just some of the concerns that senator 9 Uresti had.</p> <p>10 SEN. FRASER: I didn't say that at all. I 11 said --</p> <p>12 SEN. WEST: What did you say?</p> <p>13 SEN. FRASER: -- I'm anxious to hear their 14 testimony when they're asked and their response of what 15 they are able, capable of doing for that. And then once 16 you do that, if you want to offer an amendment, I will 17 look at every amendment offered. If you'll got one, you 18 need to go ahead and file it.</p> <p>19 SEN. WEST: Let me give you a 20 hypothetical, then. If the Department says that they 21 can do much more than your bill currently allows them to 22 do, would you support an amendment that would give them 23 the resources or give them the rulemaking authority to 24 be able to do the outreach?</p> <p>25 SEN. FRASER: I'm probably not going to</p>	<p>139</p> <p>1 SEN. WEST: Ask the Secretary. We're not 2 going to --</p> <p>3 SEN. FRASER: I want to see your photo ID.</p> <p>4 SEN. WEST: Ask the Secretary.</p> <p>5 SEN. FRASER: I need a photo ID.</p> <p>6 SEN. WEST: Got to ask the Secretary.</p> <p>7 SEN. FRASER: And here, this is a good 8 observation. I live in an area, a retirement community, 9 and I know a lot of the people in that area. And the 10 people that are my age, that are 61 up to 65 up to 70, I 11 think are still very, very capable. It is not an 12 inconvenience on them. There's a lot of people that are 13 70 --</p> <p>14 SEN. WEST: And what community?</p> <p>15 SEN. FRASER: You want me to answer the 16 question?</p> <p>17 SEN. WEST: I just didn't hear. You said 18 you lived in a retirement --</p> <p>19 SEN. FRASER: I live in an area where 20 there's a lot of retired people.</p> <p>21 SEN. WEST: People. Okay.</p> <p>22 SEN. FRASER: Yes, like myself.</p> <p>23 SEN. WEST: Yes.</p> <p>24 SEN. FRASER: Those people that I know, 25 people that are up to that age, it would not be an</p>
<p>138</p> <p>1 work in hypotheticals right now. Let's wait until we 2 hear from them. Then we'll determine that.</p> <p>3 SEN. WEST: Okay. Well, I'm going to make 4 sure and I'll put that down.</p> <p>5 I want to talk about seniors just for one 6 second. How did you come up with 70 years old? Well, 7 hold on. Let me ask you this: Is there a definition, a 8 federal definition under any of our laws, U.S. laws or 9 either state laws, that defines a senior citizen?</p> <p>10 SEN. FRASER: It was really actually a 11 very complicated system that we came up with this. It 12 actually was recommended by a democratic member that 13 said, "If you'll put that in the bill, that would help 14 five or six of us vote for the bill." So that was 15 recommended originally to be put in the bill. But the 16 answer to your question is, I'm 61 years old, and I 17 think you're just about as old as I am.</p> <p>18 SEN. WEST: No, I'm younger; I'm younger 19 than you are. I'm younger.</p> <p>20 SEN. FRASER: Oh, you're 60 -- 59?</p> <p>21 SEN. WEST: I'm younger than you are.</p> <p>22 SEN. FRASER: How old are you, sir?</p> <p>23 SEN. WEST: I'm 58 years old.</p> <p>24 SEN. FRASER: Okay. Of the people 25 (laughter) --</p>	<p>140</p> <p>1 inconvenience for them, and they're still very, very 2 active. Actually, I've got numerous people that I play 3 golf with often that are above 70 and up to 80. So, 4 actually, the number probably could have been higher, 5 but that number we thought was a fair number and 6 represented a number that we could offer up as a very 7 fair number for an exception to this bill.</p> <p>8 SEN. WEST: Let me make sure I understand 9 your answer to that question. You're saying that the 10 age 70 is predicated on people that you know that live 11 in your community?</p> <p>12 SEN. FRASER: It is predicated by a 13 democrat member offering me that up as a number, that if 14 we would put that in the bill, there would be five or 15 six Democrats that would vote for the bill. That's the 16 answer to my question.</p> <p>17 SEN. WEST: Okay. But you added a lot of 18 other stuff after that. What was all that other stuff?</p> <p>19 SEN. FRASER: The other stuff was the 20 people that I know that are capable of that. Now, if 21 someone is not capable, we are not changing the mail-out 22 ballot procedures. And that anyone for some reason that 23 could not vote in person would be allowed to vote like 24 they do today.</p> <p>25 SEN. WEST: Don't you think that a better</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000091

JA_000090

TX_00000091

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>141</p> <p>1 definition would be 65? Why wouldn't you use 65? And 2 let me give an example.</p> <p>3 In the Human Resource Code, elderly person 4 means a person 65 years of age or older. Why wouldn't 5 we use that as an age? Our Penal Code uses elderly 6 individual means a person 65 years of age or older. Our 7 Utility Code means an individual who is 60 years or 8 older. Our Human Resource Code means an elderly person, 9 means a person who 60 years or older. And now we're 10 going to have our election code basically saying a 11 person of 70 years or older. Don't you think -- I'm not 12 going to vote for your bill anyway, but just in case.</p> <p>13 SEN. FRASER: You actually were one of the 14 ones that was asking if I would put it in the bill.</p> <p>15 SEN. WEST: No, no, no, no, no, no, no, 16 no. Let's get it straight. I didn't ask you that -- 17 okay? -- for the record. Okay? I didn't ask you that.</p> <p>18 SEN. FRASER: Okay.</p> <p>19 SEN. WEST: But if you're going to put it 20 in there, it seems as though you should have one of a 21 consistent definition with some of the other statutes. 22 You're making an elderly individual for voting purpose 23 more onerous than it is under these other statutes, like 24 in our Penal Code where it says an individual -- elderly 25 person is 65 years old.</p>	<p>143</p> <p>1 think what you need to look at is what the average 2 elderly person in the State of Texas, you know, is and 3 the means that they have.</p> <p>4 SEN. FRASER: And, Senator, I think, you 5 know, if you're going to consider that, you've got to 6 think about how things have changed. When my parents 7 were 65, they were old. Things have changed a lot with 8 diet and exercise, and people are changing what they can 9 do.</p> <p>10 People that are 70 or 75 or 80 are still 11 very, very active today, and I think it's a very fair 12 number. Now, I feel very comfortable that you're 13 probably going to offer an amendment, raising -- or 14 changing that number. And I think probably, if the 15 members of the body, you know, could help us decide 16 that, I think -- myself, I believe that 70 is a very 17 fair number --</p> <p>18 SEN. WEST: Let me --</p> <p>19 SEN. FRASER: -- exception.</p> <p>20 CHAIRMAN DUNCAN: Senator West --</p> <p>21 SEN. WEST: Yes.</p> <p>22 CHAIRMAN DUNCAN: -- if I might 23 interrupt -- and I don't want to -- we can continue with 24 your line of questions when we reconvene as a Committee 25 of the Whole. It's 20 till. We've gone 10 minutes over</p>
<p>142</p> <p>1 SEN. FRASER: I actually believe that the 2 number probably could easily be higher, because --</p> <p>3 SEN. WEST: So you would make it 80 years 4 old?</p> <p>5 SEN. FRASER: I'm sorry?</p> <p>6 SEN. WEST: You would make it 80 years old 7 for election purposes?</p> <p>8 SEN. FRASER: I'm saying when I'm 80, I 9 still believe I'll be able to get in the car, go down 10 and get my ID and be able to vote.</p> <p>11 SEN. WEST: But, see, you're assuming that 12 all elderly people have cars.</p> <p>13 SEN. FRASER: If they don't, they can vote 14 by mail.</p> <p>15 SEN. WEST: But you're assuming that they 16 all have cars and that they'll be able to do everything 17 that you'll be able to do at the age of 80. And I'm 18 pretty certain you will be able to do it given, you 19 know, the things that you do to keep yourself in shape 20 and everything.</p> <p>21 But I don't think we should be building 22 that definition based on how you perceive yourself and 23 people in your neighborhood. The fact of the matter is, 24 you're more affluent than most other people in the State 25 of Texas. And if you're going to build a definition, I</p>	<p>144</p> <p>1 what we previously announced. Would you have any 2 objection if we could continue the dialogue after 3 session?</p> <p>4 SEN. WEST: No objection.</p> <p>5 CHAIRMAN DUNCAN: Okay. Very good. Why 6 don't we go ahead and do that. Before we do that, let 7 me ask the body if you would, please, if you have 8 amendments that you would wish to -- we're not putting a 9 deadline on amendments, but it will help us if you can 10 deliver your amendments as soon as possible to Jennifer 11 Fagan who is the State Affairs Committee Director, and 12 we will try to collate them and make sure that there are 13 not conflicting amendments. And if you'll do that as 14 soon as possible, that will be helpful.</p> <p>15 There are a number of people that are on 16 queue to be recognized, and I will recognize them in 17 order that they're on queue. Now we'll record that and 18 then start. Senator Lucio will be first, Senator Van de 19 Putte, Senator Ellis, Senator Seliger, unless you're 20 just -- you're just on for the motion, so we'll take you 21 off center -- Wentworth. He's just for the motion, so 22 we'll take him off. And then, Senator Zaffirini, you 23 would be in queue at that point in time. And then we'll 24 just start the queue. Whenever we come back in, you can 25 go ahead and hit your button and we'll have the queue.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000092

JA_000091

TX_00000092

CONSIDERATION OF SENATE BILL 14 1/25/2011

145	147
1 Exhibits, too. If you have exhibits that 2 you want to enter into the record so that we can make 3 sure we have an orderly transition of those exhibits, 4 would you go ahead and bring those forward, at least 5 during the interim time, so we can go ahead and number 6 them and have them available. It's not absolutely 7 necessary that we introduce them in their chronological 8 order, but it does help have a cleaner record.	1 SECRETARY SPAW: Gallegos? 2 SEN. GALLEGOS: (Indicated presence) 3 SECRETARY SPAW: Harris? 4 SEN. HARRIS: (Indicated presence) 5 SECRETARY SPAW: Hegar? 6 SEN. HEGAR: (Indicated presence) 7 SECRETARY SPAW: Hinojosa? 8 SEN. HINOJOSA: (Indicated presence) 9 SECRETARY SPAW: Huffman? 10 SEN. HUFFMAN: (Indicated presence) 11 SECRETARY SPAW: Jackson? 12 SEN. JACKSON: (Indicated presence) 13 SECRETARY SPAW: Lucio? 14 SEN. LUCIO: (Indicated presence) 15 SECRETARY SPAW: Nelson? 16 SEN. NELSON: (Indicated presence) 17 SECRETARY SPAW: Nichols? 18 SEN. NICHOLS: (Indicated presence) 19 SECRETARY SPAW: Ogden? 20 SEN. OGDEN: (Indicated presence) 21 SECRETARY SPAW: Patrick? 22 SEN. PATRICK: (Indicated presence) 23 SECRETARY SPAW: Rodriguez? 24 SEN. RODRIGUEZ: (Indicated presence) 25 SECRETARY SPAW: Seliger?
13 Senator Zaffirini is recognized for an 14 announcement. 15 (Announcement by Senator Zaffirini) 16 CHAIRMAN DUNCAN: Thank you, Senator. 17 The Chair recognizes Senator Seliger for a 18 motion. 19 SEN. SELIGER: Mr. President, I move that 20 the Committee of the Whole Senate rise and report 21 progress. 22 CHAIRMAN DUNCAN: Members, you've heard 23 the motion. Is there objection? 24 Chair hears none. It's so ordered. 25 (Recess: 10:43 a.m. to 12:38 p.m.)	146
1 AFTERNOON SESSION 2 TUESDAY, JANUARY 25, 2011 3 (12:38 p.m.) 4 CHAIRMAN DUNCAN: The Committee of the 5 Whole Senate will come to order. The Secretary will 6 call the roll. 7 ROLL CALL 8 SECRETARY SPAW: Birdwell? 9 SEN. BIRDWELL: (Indicated presence) 10 SECRETARY SPAW: Carona? 11 SEN. CARONA: (Indicated presence) 12 SECRETARY SPAW: Davis? 13 SEN. DAVIS: (Indicated presence) 14 SECRETARY SPAW: Deuell? 15 SEN. DEUELL: (Indicated presence) 16 SECRETARY SPAW: Duncan? 17 CHAIRMAN DUNCAN: (Indicated presence) 18 SECRETARY SPAW: Ellis? 19 SEN. ELLIS: (Indicated presence) 20 SECRETARY SPAW: Eltife? 21 SEN. ELTIFE: (Indicated presence) 22 SECRETARY SPAW: Estes? 23 SEN. ESTES: (Indicated presence) 24 SECRETARY SPAW: Fraser? 25 SEN. FRASER: (Indicated presence)	148
	1 SEN. SELIGER: (Indicated presence) 2 SECRETARY SPAW: Shapiro? 3 SEN. SHAPIRO: (Indicated presence) 4 SECRETARY SPAW: Uresti? 5 SEN. URESTI: (Indicated presence) 6 SECRETARY SPAW: Van de Putte? 7 SEN. VAN de PUTTE: (Indicated presence) 8 SECRETARY SPAW: Watson? 9 SEN. WATSON: (Indicated presence) 10 SECRETARY SPAW: Wentworth? 11 SEN. WENTWORTH: (Indicated presence) 12 SECRETARY SPAW: West? 13 SEN. WEST: (Indicated presence) 14 SECRETARY SPAW: Whitmire? 15 SEN. WHITMIRE: (Indicated presence) 16 SECRETARY SPAW: Williams? 17 SEN. WILLIAMS: (Indicated presence) 18 SECRETARY SPAW: Zaffirini? 19 SEN. ZAFFIRINI: (Indicated presence) 20 SECRETARY SPAW: Lieutenant Governor 21 Dewhurst? 22 PRESIDENT DEWHURST: (Indicated presence) 23 CHAIRMAN DUNCAN: Quorum is present. 24 (Pause)

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000093

JA_000092

TX_00000093

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">149</p> <p>1 QUESTIONS FROM THE SENATE FLOOR (CONTINUED)</p> <p>2 CHAIRMAN DUNCAN: Senator Fraser, are you</p> <p>3 ready?</p> <p>4 SEN. FRASER: I am ready.</p> <p>5 CHAIRMAN DUNCAN: Senator West, you're</p> <p>6 recognized to continue your questioning with Senator</p> <p>7 Fraser.</p> <p>8 SEN. WEST: Yes, sir. Thank you very</p> <p>9 much.</p> <p>10 SEN. FRASER: And we're going to try it</p> <p>11 without earphones. See how that works. I think I'm</p> <p>12 good with you.</p> <p>13 CHAIRMAN DUNCAN: And if I could advise</p> <p>14 both of you, I had some -- we had some concerns about</p> <p>15 you were both talking at the same time on your last</p> <p>16 dialogue. So if each of you could remember that, and</p> <p>17 I'll try to help you --</p> <p>18 SEN. WEST: Okay.</p> <p>19 CHAIRMAN DUNCAN: -- if you forget.</p> <p>20 SEN. WEST: All right. Thank you.</p> <p>21 Senator Fraser, I think, then, when we</p> <p>22 were looking -- can I ask that the last question be read</p> <p>23 back?</p> <p>24 CHAIRMAN DUNCAN: The -- probably not</p> <p>25 because we have switched court reporter shifts and so --</p>	<p style="text-align: right;">151</p> <p>1 how valuable our schoolteachers are to the state of</p> <p>2 Texas. Without a doubt, I'm very, very aware of that.</p> <p>3 And, again, the discussion we had prior to</p> <p>4 us breaking, we believe very, very strongly that there</p> <p>5 is sufficient funds in the Secretary of State's budget</p> <p>6 from HAVA funds that would -- that the letter says they</p> <p>7 have enough funds to cover this. They are going to</p> <p>8 request of the federal government. It is not</p> <p>9 unprecedented. They have allowed that to be used</p> <p>10 before, so we have every reason to believe it will be</p> <p>11 done. And so the discussion of whether that money would</p> <p>12 deprive some -- the rest of the budget is speculative us</p> <p>13 not knowing because we believe very strongly that --</p> <p>14 that that money is going to be available.</p> <p>15 SEN. WEST: And this may very well be a</p> <p>16 technical question for the Secretary of State.</p> <p>17 If for some reason --</p> <p>18 SEN. FRASER: I would never refer anything</p> <p>19 to --</p> <p>20 SEN. WEST: If for some reason the bill is</p> <p>21 not precleared by Justice, will those HAVA funds be made</p> <p>22 available?</p> <p>23 SEN. FRASER: I'm sorry. That one I, for</p> <p>24 sure, do not know the answer to that. That would be a</p> <p>25 great question for the Secretary of State.</p>
<p style="text-align: right;">150</p> <p>1 SEN. WEST: I was just trying not to be</p> <p>2 redundant on it.</p> <p>3 And, Senator Fraser, if -- if I am being</p> <p>4 redundant, we talked about --</p> <p>5 SEN. FRASER: You are being redundant.</p> <p>6 SEN. WEST: Okay. I need to ask the</p> <p>7 Secretary of State about that.</p> <p>8 (Laughter)</p> <p>9 SEN. WEST: Wait a minute. Hold on. I'm</p> <p>10 being redundant?</p> <p>11 Senator Fraser, I think I was asking you</p> <p>12 about the \$2 million; and you had indicated that those</p> <p>13 funds may very well come from the federal funds, but</p> <p>14 we're not certain at this point. And if they don't come</p> <p>15 from federal funds, they will have to come from general</p> <p>16 revenue, and we're at least -- the minimum amount is</p> <p>17 about \$2 million. And I think that I mentioned to you</p> <p>18 that the average teacher in the state of Texas makes</p> <p>19 about \$48,000.</p> <p>20 If we have to appropriate state funds in</p> <p>21 order to fund this voter ID bill, it will cost a minimum</p> <p>22 of \$2 million, and that's the equivalent of about 40,000</p> <p>23 teachers. You do understand and appreciate that. Is</p> <p>24 that correct?</p> <p>25 SEN. FRASER: And I very much appreciate</p>	<p style="text-align: right;">152</p> <p>1 SEN. WEST: For sure?</p> <p>2 SEN. FRASER: For sure.</p> <p>3 SEN. WEST: Okay.</p> <p>4 SEN. FRASER: I do not know the answer to</p> <p>5 that question.</p> <p>6 SEN. WEST: Okay. And we need to make</p> <p>7 certain we do. If -- would you support an amendment,</p> <p>8 though, that basically says that if general revenue,</p> <p>9 state revenue, had to be used in order to fund this</p> <p>10 particular bill, that you would then delay the -- the</p> <p>11 implementation of it?</p> <p>12 And the reason I'm asking that is, surely</p> <p>13 you don't want to take general revenue from our coffers</p> <p>14 to fund voter ID when we may end up having to lay off</p> <p>15 thousands of teachers. I would assume that you would</p> <p>16 want teachers -- us to appropriate money to make certain</p> <p>17 that we can fund our education system over funding a</p> <p>18 voter ID system.</p> <p>19 SEN. FRASER: Senator, could I remind you</p> <p>20 that there was a motion in writing that was entered by</p> <p>21 Senator Huffman of the -- the testimony of two years</p> <p>22 ago. And I think if you'll go back and read that</p> <p>23 testimony, yourself and several others, one of the big</p> <p>24 arguments you had was making sure that there was</p> <p>25 sufficient money that went forward for the education of</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000094

JA_000093

TX_00000094

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">153</p> <p>1 voters, making sure voters understood and that no one 2 would misunderstand this process. So it's difficult for 3 me when you're arguing both sides of the issue.</p> <p>4 I think the answer to your question is, 5 I'm not going to take a position today about whether we 6 should or should not. We are requesting that the 7 Secretary of State do sufficient education so that no 8 one misunderstands the -- the implementation of this 9 bill.</p> <p>10 SEN. WEST: Regard --</p> <p>11 SEN. FRASER: We're going to give -- we're 12 going to give them that power. And that without a 13 doubt, I would hate for us to be using money that could 14 be used for a schoolteacher, and I'm not going to get 15 into that debate because I'm a great supporter of 16 schoolteachers.</p> <p>17 But I still stand by the letter from the 18 Secretary of State. The Secretary of State believes 19 very clearly that they have sufficient funds, the money 20 is available, and it will be made available.</p> <p>21 SEN. WEST: So the answer to my question 22 is, is that if there are no federal funds available, you 23 would support an amendment that basically says that we 24 should not use general revenue in order to fund this 25 bill?</p>	<p style="text-align: right;">155</p> <p>1 both the House and the Senate have introduced bills that 2 put pressure on school districts to reduce their budgets 3 that would impact the number of teachers that would be 4 in classrooms?</p> <p>5 SEN. FRASER: You're a member of the 6 Finance Committee that implemented a draft budget. I am 7 not. I have not advised.</p> <p>8 And the answer is, I'm sorry, I don't -- 9 I -- I'm not advised on that issue.</p> <p>10 SEN. WEST: If you were so advised -- if 11 you were so advised that both the House and the Senate 12 by -- if you were so advised by me, the Chairman of 13 Finance, the Chairman of Appropriation, that both the 14 House and the Senate have introduced bills that would 15 require us cutting our commitment to our public schools 16 and our teachers, if you were so advised that both 17 houses introduced the budget that did that, would your 18 position still be the same as it relates to the question 19 I asked you concerning whether or not we should be using 20 general revenue in order to fund voter ID implementation 21 over funding our public schools?</p> <p>22 SEN. FRASER: I am so advised that you're 23 a member of finance, a very respected member, and you're 24 very capable of making those hard decisions; and I'm 25 sure you'll move forward and make the right decision for</p>
<p style="text-align: right;">154</p> <p>1 SEN. FRASER: And my position is, is that 2 you've taken both sides of that issue. You argued in 3 favor of funds last time. You're -- now you're asking 4 for amendment saying we're not going to use funds. If 5 we don't use funds to educate voters, obviously that's a 6 problem.</p> <p>7 And the answer is, no, I believe the 8 instruction to the Secretary of State is that we do need 9 to educate the voters.</p> <p>10 SEN. WEST: So you'd be -- you'd be in 11 favor of cutting schoolteachers using -- and, I mean, 12 you agree with me that based on the budget that was 13 introduced by the House and the budget that was 14 introduced by the Senate, that school districts will be 15 under pressure to terminate some of the teachers that 16 would otherwise be in the classroom?</p> <p>17 SEN. FRASER: I -- I don't agree with 18 anything other than the fact --</p> <p>19 SEN. WEST: Okay. All right.</p> <p>20 SEN. FRASER: -- that your own finance, 21 you're going to have to make those decisions; and we've 22 got to make sure that we educate voters, making sure 23 that they understand the implementation of this law.</p> <p>24 SEN. WEST: All right. Let me ask the 25 question this way, then: Would you agree with me that</p>	<p style="text-align: right;">156</p> <p>1 our wonderful schoolteachers across the state.</p> <p>2 SEN. WEST: What decision would you make?</p> <p>3 SEN. FRASER: I'm sorry?</p> <p>4 SEN. WEST: What decision would you make?</p> <p>5 SEN. FRASER: I made a decision to support 6 you, as a member of finance, to keep you on the 7 committee.</p> <p>8 SEN. WEST: So if you had -- if you had to 9 make a decision, though, if you were on finance and had 10 to make a decision, what decision would you make?</p> <p>11 SEN. FRASER: I'm sorry. I'm not sitting 12 on finance. I'm not subject to being able to listen to 13 the debates, so it would be -- wouldn't be right for me 14 to take a position on that.</p> <p>15 SEN. WEST: But if you had to make -- take 16 a position on funding voter ID over schoolteachers, 17 which one would you fund?</p> <p>18 SEN. FRASER: I'm -- I think the 19 position -- because this bill is before us, it is 20 extremely important that -- that we deter and detect 21 fraud and restore the public confidence in the election 22 system.</p> <p>23 SEN. WEST: So that's your answer in terms 24 of -- is that what you're telling the teachers, that 25 you'd rather do that than -- to the extent it's there,</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000095

JA_000094

TX_00000095

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 you'd --</p> <p>2 (Simultaneous speaking)</p> <p>3 SEN. FRASER: Well, unfortunately, since</p> <p>4 I'm not a member of finance, I don't get to make a</p> <p>5 choice of what I would rather do. I'm laying --</p> <p>6 bringing forward a bill today that would restore the</p> <p>7 confidence of the public in the election system and --</p> <p>8 today, because I'm sponsoring that bill, that I'm going</p> <p>9 to ask that we -- you know, we restore that confidence.</p> <p>10 SEN. WEST: So, I'm trying to -- so let me</p> <p>11 make certain I understand your answer to my question.</p> <p>12 SEN. FRASER: I know you're trying to --</p> <p>13 SEN. WEST: Let me -- let me -- hold up.</p> <p>14 Now, I'm listening, because if you remember, both of us</p> <p>15 can't talk at the same time because the stenographer's</p> <p>16 taking it down, and I'm trying to make certain that I am</p> <p>17 reminded of that fact.</p> <p>18 So your answer to that question is that</p> <p>19 you would prefer to fund the voter ID bill, if need be,</p> <p>20 with state funds than to put extra money -- take that</p> <p>21 \$2 million, if we need to, and put it back in the budget</p> <p>22 for our school districts?</p> <p>23 SEN. FRASER: You know, the -- you know,</p> <p>24 the important thing -- or the good thing with the</p> <p>25 Legislature is you don't get to make -- answer questions</p>	<p>157</p> <p>1 SEN. WEST: Now, let me ask you this: If</p> <p>2 there's empirical evidence that -- in Texas, at least,</p> <p>3 because, you know, we are -- we are Texas. We are the</p> <p>4 Lone Star State. The rest of America can go this way,</p> <p>5 and we'll go that -- the other way. Right? Right.</p> <p>6 Okay. You're good with that. Right?</p> <p>7 SEN. FRASER: I'm sitting here listening.</p> <p>8 SEN. WEST: You don't agree with that?</p> <p>9 SEN. FRASER: No, I'm listening to you.</p> <p>10 You're --</p> <p>11 SEN. WEST: We are Texans.</p> <p>12 SEN. FRASER: You're still answering my</p> <p>13 questions for me.</p> <p>14 SEN. WEST: We're Texans.</p> <p>15 SEN. FRASER: Keep going.</p> <p>16 SEN. WEST: I'm just asking you whether</p> <p>17 you agree with it. And so the question I'm asking you</p> <p>18 is: Is there any indication that we have prosecuted any</p> <p>19 fraud associated with identification in the state of</p> <p>20 Texas? Is there any empirical evidence whatsoever?</p> <p>21 SEN. FRASER: The bill that I'm bringing</p> <p>22 forward today will clearly say that when you walk in the</p> <p>23 voting booth, you identify yourself as who you say you</p> <p>24 are, and the bill that we're bringing forward we believe</p> <p>25 will pass the Supreme Court of the United States and be</p>
<p>158</p> <p>1 for me, and the -- I did not say that at all.</p> <p>2 Today I'm laying -- bringing forward a</p> <p>3 bill that would deter and detect fraud and restore the</p> <p>4 public confidence in the election system.</p> <p>5 SEN. WEST: How does your bill detect</p> <p>6 fraud?</p> <p>7 SEN. FRASER: Come back? I'm sorry. I</p> <p>8 didn't hear you. What did you say?</p> <p>9 SEN. WEST: How does your bill detect</p> <p>10 fraud?</p> <p>11 SEN. FRASER: The -- the bill is designed</p> <p>12 to deter and detect fraud and restore --</p> <p>13 SEN. WEST: No. I asked you: How does</p> <p>14 your bill detect fraud?</p> <p>15 SEN. FRASER: The -- I think the easy</p> <p>16 answer to that would be, is that when you walk into</p> <p>17 the -- into your election booth and you show your</p> <p>18 driver's license, they know for sure that you're Royce</p> <p>19 West and that if you're on the precinct list,</p> <p>20 registered, you're entitled to vote.</p> <p>21 SEN. WEST: And so that's -- that's the</p> <p>22 fraud detection provision in it? And so you'd rather</p> <p>23 fund --</p> <p>24 SEN. FRASER: That's the way the bill</p> <p>25 works.</p>	<p>160</p> <p>1 approved by Department of Justice.</p> <p>2 SEN. WEST: I notice you keep on saying</p> <p>3 that in terms of you believe that the bill is going to</p> <p>4 pass muster at the Department of Justice and also the</p> <p>5 United -- the Supreme Court of the United States. Are</p> <p>6 you anticipating any -- let me -- let me ask this: If</p> <p>7 the Department of Justice decides not to preclear this</p> <p>8 legislation, are you anticipating any type of court</p> <p>9 challenge by the state of Texas?</p> <p>10 SEN. FRASER: Senator, I'm starting to</p> <p>11 have trouble hearing you. Hold on a second. Let me put</p> <p>12 my earphones on.</p> <p>13 (Pause)</p> <p>14 SEN. FRASER: Are you there?</p> <p>15 SEN. WEST: Yes.</p> <p>16 SEN. FRASER: Would you say something?</p> <p>17 SEN. WEST: Testing, testing, testing.</p> <p>18 SEN. FRASER: Okay. I got you.</p> <p>19 SEN. WEST: One, two, three.</p> <p>20 SEN. FRASER: Okay. Will you ask your</p> <p>21 question again?</p> <p>22 SEN. WEST: You have consistently</p> <p>23 indicated that this particular bill will pass the</p> <p>24 Department of Justice and also the Supreme Court. I'm</p> <p>25 asking you: Do you anticipate that if the Department of</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000096

JA_000095

TX_00000096

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>161</p> <p>1 Justice decides not to preclear this particular 2 legislation, any litigation concerning it?</p> <p>3 SEN. FRASER: You're -- you're being 4 subjective about me assuming what's going to happen. I 5 believe the bill that we had -- that we're offering will 6 be precleared.</p> <p>7 SEN. WEST: But I'm asking if it's not 8 precleared. Do you want to see us go into litigation 9 with the federal government concerning your bill if it's 10 not precleared?</p> <p>11 SEN. FRASER: I don't -- I don't think 12 that's, you know, my choice. I think we -- we will 13 present the bill forward and try to present our best 14 case that it should.</p> <p>15 SEN. WEST: Okay. So does your bill 16 anticipate any litigation at all?</p> <p>17 SEN. FRASER: The bill in no way addresses 18 or thinks about any litigation. It is clearly just a 19 bill saying this is -- this is what we're asking you to 20 do, to present a photo ID when you vote, and that's the 21 extent of the bill.</p> <p>22 SEN. WEST: I know because -- and the 23 reason I ask that question, you continue to make 24 reference to the Department of Justice and the U.S. 25 Supreme Court or --</p>	<p>163</p> <p>1 that in favor of that. Of that, 82 percent were black, 2 83 percent were Hispanic.</p> <p>3 So I would say the answer to your question 4 is: If you ask someone that is either African American 5 or Hispanic, do they believe that -- "Do you 6 favor/oppose requiring a valid photo ID before a person 7 is allowed to vote?" and you have 82 percent of the 8 public that says that --</p> <p>9 SEN. WEST: Right.</p> <p>10 SEN. FRASER: -- pretty -- pretty 11 straightforward.</p> <p>12 SEN. WEST: You keep referring to that 13 poll. What poll is that, sir, and who was it conducted 14 by?</p> <p>15 SEN. FRASER: It was conducted -- this is 16 one of many we had. I've got a whole series of polls. 17 This just happened to be the latest one that was 18 conducted January the 10th, 2011. This one was by the 19 Lighthouse Opinion Polling & Research, LLC.</p> <p>20 SEN. WEST: Lighthouse Opinion.</p> <p>21 SEN. FRASER: Lighthouse Opinion Polling, 22 LLC.</p> <p>23 SEN. WEST: Okay. And --</p> <p>24 SEN. FRASER: One that was -- 25 (Simultaneous discussion)</p>
<p>162</p> <p>1 SEN. FRASER: Only because the -- the 2 bills that have been brought forward by other states, 3 which Indiana was cleared by the -- you know, made it 4 all the way to the U.S. Supreme Court; and then in 5 Georgia, they were precleared from the Department of 6 Justice because a bill -- you know, since we're a 7 Section 5 state, they were precleared.</p> <p>8 SEN. WEST: Okay. In Georgia, not 9 Indiana. Indiana's not a Section 5 state?</p> <p>10 SEN. FRASER: No, they are not.</p> <p>11 SEN. WEST: Okay. Has the Legislature or 12 have you conducted any research on how burdens of the 13 photo ID requirements may fall disproportionately upon 14 racial minorities?</p> <p>15 SEN. FRASER: Come back again. I'm sorry. 16 My sound went off.</p> <p>17 SEN. WEST: Okay. In drafting your -- in 18 drafting your bill, was there any research conducted on 19 how burdens of -- burdens of photo identification 20 requirements may fall disproportionately on racial 21 minorities?</p> <p>22 SEN. FRASER: Probably the best evidence 23 that I could bring forward, that the latest poll that 24 was conducted of Texans, including the people in your 25 area. Of the -- there were 86 percent of the public</p>	<p>164</p> <p>1 SEN. WEST: Were you finished?</p> <p>2 SEN. FRASER: Yeah.</p> <p>3 SEN. WEST: Okay. Now, the question, 4 though, that I asked, not -- and I agree with you that 5 most people will say that some form of photo ID is okay. 6 Now --</p> <p>7 SEN. FRASER: But what --</p> <p>8 SEN. WEST: Let me -- let me finish. Let 9 me finish, though. Hold on for a second.</p> <p>10 I would agree with you that, but my 11 question wasn't about their opinion. My question was: 12 Have you conducted any research on how burdens of photo 13 ID requirements may fall disproportionately on racial 14 minorities?</p> <p>15 SEN. FRASER: And I think the answer to 16 that, if you look at what happened in Indiana and 17 Georgia is a good example because it is a Section 5 18 state. In those states, to our -- to my knowledge, 19 there has not been a single person that has came forward 20 to identify themselves that they were in any way, you 21 know, in -- you know, kept from voting or inconvenienced 22 by voting.</p> <p>23 So the answer to your question is, that I 24 look at the data that has been collected from the states 25 that have implemented, and they're coming forward. That</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000097

JA_000096

TX_00000097

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>165 1 is the case. Plus the fact that if you ask African 2 Americans or Hispanics in Texas, it's a very 3 straightforward question. When you have 82 percent of 4 the public, the people that you represent, saying, you 5 know, "I think that's a good ideal," I'm having a lot of 6 trouble understanding how -- why you don't understand 7 that.</p> <p>8 SEN. WEST: Okay. So the answer to my 9 question is, is that you did not conduct any type of 10 research on it other than looked at opinion polls and 11 referenced what went on in other states?</p> <p>12 SEN. FRASER: No, we've done all -- 13 there's been a lot of research done.</p> <p>14 SEN. WEST: And that's what I was asking. 15 What research have you done --</p> <p>16 SEN. FRASER: I just explained --</p> <p>17 SEN. WEST: -- to make that determination?</p> <p>18 SEN. FRASER: -- to you what we did. We 19 have looked at the experience of other states. And 20 you're going to have witnesses come from some of the 21 other affected states, and you're going to be able to 22 ask that question: Who has came forward in your state 23 and said it's a problem?</p> <p>24 SEN. WEST: Okay. So you're saying, then, 25 that as a result of experiences in other states and an</p>	<p>167 1 Indiana? 2 SEN. FRASER: Not advised. 3 SEN. WEST: So if -- if the demographic 4 information that we have from the U.S. Department of 5 Census indicated that, you would not disagree with that. 6 Correct? 7 SEN. FRASER: Well, I mean, every state 8 has a different demographic of the makeup of people 9 within the state. 10 SEN. WEST: Sure. I know that, yeah. 11 SEN. FRASER: Georgia is a -- you know, 12 they're -- they're a Section 5 voter rights state, but 13 their makeup is not exactly like Texas. 14 SEN. WEST: That's the point. That's what 15 I'm asking you. You said you weren't advised, so I was 16 just trying to point to you some set of facts that all 17 of us commonly know that we get from the Department of 18 Census, U.S. Department of Census. And if they give 19 different demographic information for the states, then 20 that would probably be controlling, and you would agree 21 that that's the best evidence that we have of what the 22 population is in those various states. That's all I'm 23 asking. Now, let me ask this. 24 SEN. FRASER: But you're trying to answer 25 my question, and I did not say that.</p>
<p>166 1 opinion poll, that that is the sum total of the research 2 that's been done by you in preparation of this bill? 3 SEN. FRASER: Senator, I think the people 4 in your district understand very clearly. If you ask 5 them a direct question, someone you represent, and said, 6 "Do you favor or oppose requiring a valid photo ID 7 before you're allowed to vote," this is -- that's not 8 rocket science. 9 SEN. WEST: Well, the -- 10 SEN. FRASER: "Should you be required to 11 show your picture ID when you go into vote?" That's -- 12 that's -- to me, that's -- that's, you know, pretty 13 telling. 14 SEN. WEST: Well, the great thing about it 15 is, we're going to have an opportunity to do just that. 16 Because guess what? I've got a few people from my 17 district down here to testify, so you'll have an 18 opportunity to ask them that. Okay? 19 SEN. FRASER: Good. 20 SEN. WEST: But, again, that's the sum 21 total of your research, though. Right? 22 SEN. FRASER: I didn't say that was the 23 sum total of my research. 24 SEN. WEST: Now, would you agree that 25 Texas has a larger proportion of minorities than</p>	<p>168 1 SEN. WEST: No, I'm not. But are the 2 forms of identification listed in your bill the least 3 restrictive options in order to achieve the goal of 4 avoiding what you call voter identification fraud? 5 SEN. FRASER: Okay. You're going to have 6 to ask that again. 7 SEN. WEST: Are the forms of 8 identification that you've listed in the bill the least 9 restrictive options in order to achieve the goal of 10 avoiding what you have said is voter identification 11 fraud? 12 SEN. FRASER: And I think what you're 13 asking, which is going to be the easiest to use? And 14 the -- the data, if you look back at 2006, the number of 15 people that have registered to vote, about -- I think 16 the number now is 91 percent actually use their driver's 17 license when they registered to vote. So the assumption 18 is at least 91 percent of the people that voted -- or 19 that registered since 2006 had a driver's license. So 20 I'd say that's the -- if it's the -- the easiest thing, 21 I'd say a driver's license. 22 SEN. WEST: So this -- the list of 23 identifications that you use as the -- is the least 24 restrictive options that you could come up with? 25 SEN. FRASER: Well, I don't -- I'm not</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000098

JA_000097

TX_00000098

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>169</p> <p>1 sure. Your verbiage you're using, I don't know that 2 that's the intent.</p> <p>3 SEN. WEST: Well --</p> <p>4 SEN. FRASER: I'm saying that the thing 5 that the -- the type of identification that is most 6 readily available appears to be a driver's license. 7 It -- we think, that is.</p> <p>8 SEN. WEST: Okay. Now, since there are 9 studies that show that African Americans and Hispanics 10 are more affected by poverty and --</p> <p>11 SEN. FRASER: Ask him, then.</p> <p>12 We're trying to figure out if this is a 13 filibuster.</p> <p>14 SEN. WEST: Is it a what?</p> <p>15 SEN. FRASER: A filibuster?</p> <p>16 SEN. WEST: Oh, no, this is serious 17 business. This is serious business.</p> <p>18 SEN. FRASER: I guess I would remind you 19 that the information that was put into the record this 20 morning by Senator Huffman, the questions you've gone 21 over, I believe we put these --</p> <p>22 SEN. WEST: Well, at any -- at any point, 23 you can defer to whomever you want to answer the 24 question.</p> <p>25 SEN. FRASER: No, no, I'm saying --</p>	<p>171</p> <p>1 SEN. FRASER: Not advised. 2 SEN. WEST: Okay. Do you --</p> <p>3 SEN. FRASER: I grew up in a pretty poor 4 family, so --</p> <p>5 SEN. WEST: Well, that's what I know, and 6 correct me if I'm wrong because we've had our 7 conversations. Your father was a minister, too. Right?</p> <p>8 SEN. FRASER: Minster and --</p> <p>9 SEN. WEST: Okay. He went to a lot of 10 African American churches?</p> <p>11 SEN. FRASER: Yes, he did.</p> <p>12 SEN. WEST: Did a little singing and stuff 13 like that?</p> <p>14 SEN. FRASER: Yes.</p> <p>15 SEN. WEST: Okay. And do you represent a 16 district that has a high poverty level -- or excuse 17 me -- a high ethnic minority population?</p> <p>18 SEN. FRASER: Interestingly -- well, and 19 what you call high, it is not one of the highest 20 percentage wise of ethnic minority. But the last figure 21 I was shown, my district is the third poorest district 22 in the state, right behind Senator Uresti's. That 23 that -- that number is a couple of year's old, but 24 I'm -- you know, the --</p> <p>25 SEN. WEST: Okay.</p>
<p>170</p> <p>1 SEN. WEST: You've been referring to the 2 Secretary of State.</p> <p>3 SEN. FRASER: -- these -- the questions -- 4 the questions you're asking, the question and the answer 5 are already in the record from two years ago; that 6 you're asking the exact same question, and I'm answering 7 the exact same answer. It's already in the --</p> <p>8 SEN. WEST: And it may very well be. I 9 just don't remember. I haven't gone back and read that 10 entire record. It was like 26 hours. So if I'm being a 11 little bit redundant, please give me -- give me a little 12 space on that.</p> <p>13 Let me go back to the questions I'm 14 asking. Studies have shown that African Americans and 15 Hispanics are more affected by poverty and, therefore, 16 are more likely to participate in government benefit 17 programs. Will the elimination of the government 18 documents as a form of ID disproportionately affect 19 African Americans and Hispanics?</p> <p>20 SEN. FRASER: I'm not advised.</p> <p>21 SEN. WEST: Okay. If in fact -- well, let 22 me back up and ask you this question.</p> <p>23 Do you agree that African Americans and 24 Hispanics are disproportionately affected by poverty in 25 the state of Texas?</p>	<p>172</p> <p>1 SEN. FRASER: -- people in my district 2 are -- are the working poor.</p> <p>3 SEN. WEST: Okay. The -- the protected 4 classes, that would be an African American and 5 Hispanics, do you have a high concentration of African 6 Americans and Hispanics in your district?</p> <p>7 SEN. FRASER: Well, I don't know what 8 you'll call a high percentage. I've got --</p> <p>9 SEN. WEST: Okay. Comparatively speaking.</p> <p>10 SEN. FRASER: There -- there are a lot of 11 my voters in my district that, you know, I'm -- I love 12 to say "my constituents" -- that are African American or 13 Hispanic.</p> <p>14 SEN. WEST: Are they in poverty or what? 15 I mean, you know what poverty is.</p> <p>16 SEN. FRASER: Well, Senator, if --</p> <p>17 SEN. WEST: Oh.</p> <p>18 SEN. FRASER: If I have the third poorest 19 district in the state, that implies that we have some 20 people that are working poor.</p> <p>21 SEN. WEST: Let me just ask you this 22 question.</p> <p>23 Do you know whether or not the elimination 24 of the government documents that have hereto before been 25 utilized by voters for identification purposes at the</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000099

JA_000098

TX_00000099

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 polls --</p> <p>2 SEN. FRASER: Issued before?</p> <p>3 SEN. WEST: Yeah, I mean, under current</p> <p>4 law. Let me back up, then.</p> <p>5 Based on current law and the various</p> <p>6 government identifications that can be used for purposes</p> <p>7 of voting, by eliminating those, whether they have an</p> <p>8 adverse impact on ethnic minorities in the state?</p> <p>9 SEN. FRASER: Let me -- let me tell you</p> <p>10 that the people in my district voted -- or they're</p> <p>11 polling that they -- 92 percent of them say that they're</p> <p>12 in favor of this -- this requirement.</p> <p>13 SEN. WEST: Okay. So you don't -- and</p> <p>14 that's your response to my question?</p> <p>15 SEN. FRASER: My response is, is that I</p> <p>16 think the people of the state of Texas, which makes</p> <p>17 up -- I think it was 83 percent of -- of African</p> <p>18 Americans and 85 percent of Hispanics, said that they're</p> <p>19 in favor of it. I'm sorry. It's 82 percent Hispanic --</p> <p>20 I'm sorry -- Hispanic, 80 -- 83 percent Hispanic, the</p> <p>21 African American, which is -- it's listed as a black</p> <p>22 vote, is 82 percent say they are in favor of asking for</p> <p>23 a photo ID.</p> <p>24 So it's -- it's -- this is a pretty easy</p> <p>25 question for them, "Should you have to show your -- your</p>	<p>173</p> <p>1 Now, I know many people don't think it's</p> <p>2 all that difficult to get a driver's license and that</p> <p>3 everyone has one, but that's just not the case.</p> <p>4 Eleven percent of Americans surveyed by the Brennan</p> <p>5 Center for Justice do not have government-issued photo</p> <p>6 ID. Forty percent of those without voter ID are</p> <p>7 disproportionately the -- the elderly, the -- the</p> <p>8 students, women, people with disabilities, low-income</p> <p>9 people, and people of color.</p> <p>10 According to disability advocates, nearly</p> <p>11 10 percent of the 40 million Americans with disabilities</p> <p>12 do not have any state-issued photo ID. So I do not see</p> <p>13 how this legislation is going to ensure that they are</p> <p>14 not kept from exercising their right to vote. Again,</p> <p>15 it's a right. It's not a privilege. Plus, according to</p> <p>16 that same survey, one of every five senior women does</p> <p>17 not have a license.</p> <p>18 What troubles me even more about the</p> <p>19 legislation is that it could mean, for so many, under</p> <p>20 this legislation, election workers will be responsible</p> <p>21 for determining identity; and that has never been part</p> <p>22 of their job as election clerks.</p> <p>23 Now, I got a question.</p> <p>24 SEN. FRASER: Is there a question coming?</p> <p>25 I'm looking for the question.</p>
<p>174</p> <p>1 photo ID, your driver's license, when you come in to</p> <p>2 vote?" And they said, "Sure. That's" -- you know,</p> <p>3 "That's fair."</p> <p>4 SEN. WEST: And that's your response to my</p> <p>5 question?</p> <p>6 SEN. FRASER: Yes.</p> <p>7 SEN. WEST: Okay. No more questions at</p> <p>8 this time.</p> <p>9 SEN. FRASER: Thank you, Senator.</p> <p>10 CHAIRMAN DUNCAN: Chair recognizes Senator</p> <p>11 Lucio for questions.</p> <p>12 SEN. LUCIO: Thank you, Mr. Chairman.</p> <p>13 Senator Fraser, under this legislation,</p> <p>14 there are no exceptions at all if you do not have a</p> <p>15 driver's license -- and correct me if I'm wrong --</p> <p>16 military ID, citizenship certificates, or passports.</p> <p>17 Now, not even Senate IDs are appropriate for the</p> <p>18 purposes of voting. That means the state employee</p> <p>19 working in the building wishing to cast a ballot during</p> <p>20 early voting at the Sam Houston Building couldn't use a</p> <p>21 combination of their voter registration card and their</p> <p>22 Senate ID. Further, this bill's requirements for</p> <p>23 identification are stronger than what's used for new</p> <p>24 employees in obtaining driver's license, the way we</p> <p>25 understand it.</p>	<p>176</p> <p>1 SEN. LUCIO: Yeah, it's coming up. I had</p> <p>2 to --</p> <p>3 SEN. FRASER: You've got about five or six</p> <p>4 thoughts. I -- well, I'm going to --</p> <p>5 (Simultaneous speaking)</p> <p>6 SEN. FRASER: -- one of them. But you're</p> <p>7 getting so many thoughts, I'll have trouble responding</p> <p>8 to them.</p> <p>9 SEN. LUCIO: What are -- what are they</p> <p>10 going to do, Senator Fraser, when someone has</p> <p>11 conflicting last names, conflicting last names on IDs,</p> <p>12 on their voter rolls, and how many professional ballots</p> <p>13 will be cast? Are counties ready to resolve all those</p> <p>14 issues?</p> <p>15 That might have been asked, I missed it,</p> <p>16 and I apologize for that because we've been busy, as we</p> <p>17 always are. But let me -- let me just ask this</p> <p>18 question, as a follow-up.</p> <p>19 (Simultaneous speaking)</p> <p>20 SEN. FRASER: You've asked me 12 --</p> <p>21 SEN. LUCIO: Go ahead and address --</p> <p>22 SEN. FRASER: -- so far.</p> <p>23 SEN. LUCIO: Go ahead and address that</p> <p>24 one.</p> <p>25 SEN. FRASER: Huh?</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000100

JA_000099

TX_00000100

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>177</p> <p>1 SEN. LUCIO: Okay. Well --</p> <p>2 CHAIRMAN DUNCAN: Wait, wait, wait, wait,</p> <p>3 wait. Y'all are really crossing over to where you're</p> <p>4 not making a good record, so one at a time. I think</p> <p>5 Senator Fraser was answering a question; and if he could</p> <p>6 answer it and, Senator Lucio, you could follow with</p> <p>7 another question.</p> <p>8 SEN. FRASER: And, Senator, if -- if you</p> <p>9 really do want an answer to questions, I would love to</p> <p>10 do one at a time because I actually --</p> <p>11 SEN. LUCIO: Okay.</p> <p>12 SEN. FRASER: -- you've asked so many</p> <p>13 questions, I can't remember --</p> <p>14 SEN. LUCIO: Okay.</p> <p>15 SEN. FRASER: -- the first one.</p> <p>16 CHAIRMAN DUNCAN: All right.</p> <p>17 SEN. FRASER: But --</p> <p>18 CHAIRMAN DUNCAN: Wait. You're doing it</p> <p>19 again, Senator. If we could -- I'm going to stay on</p> <p>20 this because we do want a good record.</p> <p>21 SEN. FRASER: If you'll just allow me to</p> <p>22 just answer a couple of them, and then we'll get them</p> <p>23 out of the way.</p> <p>24 SEN. LUCIO: I'll take one at a time.</p> <p>25 What are you going to do when someone has</p>	<p>179</p> <p>1 State coming. I don't -- I don't know the -- the exact</p> <p>2 ruling of what they -- the Secretary of State, slash,</p> <p>3 the election administrator is how they determine that;</p> <p>4 and I would like that question to be asked to the</p> <p>5 Secretary of State, if possible.</p> <p>6 SEN. LUCIO: Okay. That's fine, Senator.</p> <p>7 To obtain a driver's license, you could</p> <p>8 use nonphoto options. Correct?</p> <p>9 SEN. FRASER: Senator, you can ask that of</p> <p>10 the DPS.</p> <p>11 SEN. LUCIO: I'm sorry?</p> <p>12 SEN. FRASER: If you would -- DPS is going</p> <p>13 to be here. I would ask you that you could ask the DPS</p> <p>14 their procedures for -- for getting...</p> <p>15 SEN. LUCIO: Okay. Well, I have</p> <p>16 information to that effect, but it's all right. I'll</p> <p>17 wait for DPS.</p> <p>18 Let me ask a question on -- on where we</p> <p>19 have been in this country and this state, and we don't</p> <p>20 want to go.</p> <p>21 But do you know what the 24th Amendment</p> <p>22 did?</p> <p>23 SEN. FRASER: I'm sorry. I do not.</p> <p>24 SEN. LUCIO: It ended -- it amended the</p> <p>25 constitution to allow -- outlaw poll taxes; and it did</p>
<p>178</p> <p>1 conflicting last names on their ID on the voter rolls?</p> <p>2 SEN. FRASER: Okay. I'm going to start</p> <p>3 even further back than that.</p> <p>4 I -- the -- the first observation you made</p> <p>5 is that we're making it harder than getting a driver's</p> <p>6 license. That is totally incorrect. Driver's license</p> <p>7 is one of the things we're offering, so whatever</p> <p>8 difficulty it is to get a driver's license, once they</p> <p>9 get it, that is their identification. So this is not in</p> <p>10 any way harder than getting a driver's license.</p> <p>11 No. 2, you made an observation about the</p> <p>12 elderly. We have two different observations that --</p> <p>13 that come into play here. First one is that at -- if</p> <p>14 they're 70 years old on January 1st, 2012, they are not</p> <p>15 subject to this bill, so they are -- they are operating</p> <p>16 under current law. And then, also, we are not in any</p> <p>17 way impacting the mail-in ballot system that is in place</p> <p>18 today. Any elderly person that wants to vote by mail</p> <p>19 would -- would have the ability to do it.</p> <p>20 So, you know, those things, I think,</p> <p>21 are -- the question you're asking, the third question,</p> <p>22 about if the name does not match on the -- the ballot,</p> <p>23 that's the same question that's been asked probably five</p> <p>24 times already today. My answer continues to be the</p> <p>25 same, as I've told everyone. We have the Secretary of</p>	<p>180</p> <p>1 so, and it ended in 1964. I was a freshman in college</p> <p>2 at the time, and you must have been junior high.</p> <p>3 SEN. FRASER: I was four or five, then,</p> <p>4 Eddie, I guess. '64, I was 17 years old.</p> <p>5 SEN. LUCIO: All right. I did a little</p> <p>6 research, Senator, on the poll tax in --</p> <p>7 SEN. FRASER: 15 years old.</p> <p>8 SEN. LUCIO: -- Texas history. It's</p> <p>9 something that personally hurts me. After all, my dad</p> <p>10 had to pay a poll tax which wasn't that long ago. I</p> <p>11 went to some of those elections with him because he</p> <p>12 wanted to show me and make sure that I got involved in</p> <p>13 the political process. I remember those elections, and</p> <p>14 my -- my mother voted, too. But it was -- it was a</p> <p>15 sacrifice, quite frankly.</p> <p>16 Now, Texas adopted a poll tax in 1902. It</p> <p>17 required that otherwise eligible voters pay between</p> <p>18 \$1.50 and \$1.75 to register to vote. Now, \$1.75 may not</p> <p>19 sound like a lot, but for a lot of families living on</p> <p>20 the breadline, it made voting a privilege instead of a</p> <p>21 right. Well, 1.75 -- \$1.75 adjusted for inflation today</p> <p>22 is about 40 to \$45. That means, Senator, that's a mean</p> <p>23 instrument -- excuse me -- using several ways of</p> <p>24 calculating, including the consumer price index.</p> <p>25 Now, 40 bucks is a symbolic figure. A</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000101

JA_000100

TX_00000101

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>181 1 driver's license or ID today costs \$25, even for a 2 renewal. And going to the DMV, which is Department of 3 Motor Vehicles, can take time. You're going to get 4 there, wait in line, return home, take off from work, 5 pay for the gas. Now, let's say it takes two hours. 6 Minimum wage in Texas is 7.25 an hour. So if you took 7 off two hours and paid for gas, you're looking at \$40, 8 the same amount of the old poll tax would cost today. 9 Don't -- don't you find that kind of ironic? I do.</p> <p>10 Under this bill, voters will effectively 11 have to pay the same amount to vote that minorities and 12 the poor had to pay in poll tax in 1902. I'm serious, 13 though. Forty dollars is a lot of money for a lot of 14 people in my district living paycheck to paycheck. You 15 can buy a week's shopping for 40 bucks. You're either 16 going to eat or you're going to -- you're going to vote. 17 That is the choice many will think about making.</p> <p>18 The poll tax was outlawed in -- in the 19 1960s by the 24th Amendment. It was outlawed because 20 the nation understood that poll tax -- taxes served as 21 one purpose, to --</p> <p>22 (Simultaneous speaking)</p> <p>23 SEN. LUCIO: -- disenfranchise minorities 24 and the vulnerable.</p> <p>25 I'm leading to another question, if I may.</p>	<p>183 1 driver's license place to get the driver's license. So 2 this has -- this bill in no way has anything to do with 3 a poll tax.</p> <p>4 SEN. LUCIO: Well, and I -- I appreciate, 5 you know, what you're saying. However, I just want to 6 make sure that it doesn't get out of hand. And I would 7 ask you, possibly, if you would vote, you would be 8 prepared to work with me and others to -- in order to 9 draft a constitutional amendment that would make any 10 raise in fees associated with driver's license or state 11 ID only possible by a two-thirds vote of each chamber. 12 You think that we could work to that end?</p> <p>13 SEN. FRASER: Senator, I'm -- I'm not 14 going to commit on anything. You're on finance. Y'all 15 are going to have to work through the issues of 16 balancing the budget.</p> <p>17 The bill that I'm laying out today, I 18 think, is a very fair way for people to identify 19 themselves, that they can prove they are who they say 20 they are when they go to vote. The -- the thing that I 21 would let you know that, you know, I want to make sure 22 that every -- we've -- we've talked to senator -- you 23 know, the -- Davis has asked about women. I want to 24 make sure that women, men, Hispanics, African Americans, 25 Anglos, everyone in the state has the same opportunity</p>
<p>182 1 Texas has a history, unfortunately, in my 2 opinion of voter suppression. Texas used the poll tax 3 to suppress voters. In fact, Texas only ratified the 4 24th Amendment in 2009, 2009.</p> <p>5 So what is to stop future legislators 6 making a driver's license or an ID cost more than \$25? 7 We've talked openly over the last few months about 8 raising fees to cover the back -- the budget hole. So, 9 you know, it's -- it's happened with passports. 10 Passports keep going up and up in price. What if in the 11 future, driver's license cost \$125 or \$300? Would it be 12 a poll tax then? And would it be a poll tax then, 13 Senator?</p> <p>14 SEN. FRASER: Senator, this bill in no way 15 envisions a poll tax. It has nothing to do with the fee 16 that is charged. You're on finance. You're the one 17 that has control over that. The bill we have before us 18 today -- there's nothing you've talked about the last 19 five minutes that has anything to do with this bill -- 20 is that this bill is nothing more than showing your 21 driver's license or a ID that we will give them free of 22 charge that they can pick up after work that -- you 23 know, when I was picking cucumbers and -- you know, in 24 the afternoon, when I got off work, I could -- I still 25 had time before seven o'clock to go down and -- to the</p>	<p>184 1 to go in and make sure that their vote is counted. And 2 I don't -- the things you're talking about really are 3 not part or subject to this bill.</p> <p>4 SEN. LUCIO: Well, a driver's license is 5 part of it, I believe, and I'll be --</p> <p>6 SEN. FRASER: But -- but the cost of a 7 driver's license is determined by the Finance Committee.</p> <p>8 SEN. LUCIO: When -- when -- when does a 9 driver's license expire? I was going to ask you that 10 question.</p> <p>11 SEN. FRASER: When does it expire?</p> <p>12 SEN. LUCIO: Yes, sir.</p> <p>13 SEN. FRASER: You know, interestingly, I 14 was in -- looking at mine just then, in my office. I 15 got a new one this year, and it's good for six years. 16 So every six years, evidently. I'm -- I'm going to ask 17 DPS that, but my assumption is that a driver's license 18 is renewed to last for six years.</p> <p>19 SEN. LUCIO: Well, we talked about senior 20 citizens. There are senior citizens, 60, 70 years old, 21 who used an expired driver's license as a form of ID. 22 That's where I'm going with my questions and my remarks. 23 Are they no longer -- they no longer drive, but they 24 still vote.</p> <p>25 Now, under this bill, they will have to</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000102

JA_000101

TX_00000102

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">185</p> <p>1 renew their license in order to vote. Is that correct?</p> <p>2 SEN. FRASER: You -- you've given a 3 hypothetical, and I guess it's one of the things -- 4 actually, we were in the back discussing a question that 5 was brought up by Senator Davis about an expired 6 driver's license and at what point should it be -- how 7 long should it be used. I think someone used it for an 8 extended period, like the example you're giving, for 9 several years. Unfortunately, that's not a valid -- 10 that would be considered a valid license.</p> <p>11 SEN. LUCIO: I was under that impression 12 or to renew their passport or -- which are seldom used 13 by seniors.</p> <p>14 SEN. FRASER: I disagree with that. I 15 travel with a lot of seniors. I think there's a lot, 16 you know.</p> <p>17 SEN. LUCIO: Well, the ID. They use this 18 ID for passports.</p> <p>19 Well, I obviously have a bunch of other 20 questions, but in the -- in the interest of time, I will 21 address these to you in writing because I'm very, very 22 concerned about, you know, some of the things that are 23 going to be transpiring. I think Senator Davis touched 24 on marriage -- the marriage -- marriage issues.</p> <p>25 Or I'll give you one scenario, if I may.</p>	<p style="text-align: right;">187</p> <p>1 Mr. Chairman.</p> <p>2 Would author of the bill yield for some 3 clarification?</p> <p>4 SEN. FRASER: I would yield.</p> <p>5 SEN. VAN de PUTTE: Thank you very much, 6 Senator Fraser. I wanted to have a moment to clarify 7 some of the conversation and the points that we had on 8 our discussion earlier.</p> <p>9 I thought that I had heard you say that 10 the bill that we had in the 81st Legislature was 11 actually modeled after Georgia. When after comparison, 12 I think that it was actually modeled more closely after 13 the Arizona bill, which is a Section 5 voting rights 14 state as well. And so I wanted to clarify that, but I 15 thought we had talked so much about the Georgia 16 legislation. So the -- the bill, Senate Bill 362, was 17 actually modeled more after Arizona's law.</p> <p>18 SEN. FRASER: Senator --</p> <p>19 SEN. VAN de PUTTE: And I --</p> <p>20 SEN. FRASER: I am -- I don't want to 21 disagree with you, but I don't think Arizona's ever came 22 out of my mouth on this floor of the legislature about 23 last year's bill or this bill.</p> <p>24 SEN. VAN de PUTTE: No.</p> <p>25 SEN. FRASER: I'm -- the -- the bill that</p>
<p style="text-align: right;">186</p> <p>1 Two citizens that are getting married. The woman 2 getting married has decided to change her name. They 3 get the marriage certificate. They get married and so 4 on. But when the newlywed wife tries to vote, there is 5 a problem. The name on her voter ID does not match the 6 name on her voter registration. So maybe she did the 7 right thing and changed her name on the voter ID, but 8 before that, when she registered to vote, she had used 9 her maiden name. Maybe she registered to vote with her 10 new married surname but had not yet changed her 11 voter ID to reflect a change of name. Maybe there is no 12 time to address it because she gets married in October.</p> <p>13 SEN. FRASER: Senator, these --</p> <p>14 SEN. LUCIO: Those are just scenarios that 15 are coming up.</p> <p>16 Others that I'm concerned with are the 18 17 year olds that are turning 18 thirty days inside of -- 18 you know, between a primary and a general election. 19 Many of them will not be able to register to vote.</p> <p>20 There are so many different scenarios, 21 Senator, and I'm very concerned about whether or not 22 they will be disenfranchised. That's all. Thank you 23 very much for your time.</p> <p>24 CHAIRMAN DUNCAN: Senator Van de Putte?</p> <p>25 SEN. VAN de PUTTE: Thank you,</p>	<p style="text-align: right;">188</p> <p>1 we modeled last year was a Texas model that we were 2 moving forward, and whenever earlier you were addressing 3 the Georgia bill -- you're a past president of NCSL, and 4 I have the NCSL analysis here. And that's the reason I 5 was confused because you were referencing Georgia, and 6 I've got --</p> <p>7 SEN. VAN de PUTTE: That's correct.</p> <p>8 SEN. FRASER: The document that came from 9 the organization that you chaired and that was the 10 reason I was confused about what you were representing.</p> <p>11 SEN. VAN de PUTTE: Well, Senator, you 12 were confused, and I was confused. However, both -- I 13 think we can both agree that your bill, Senate Bill 14, 14 is more restrictive than current Georgia and Arizona 15 law; that this is based after an Indiana model, but it 16 is even more restrictive. I mean, you have a pretty 17 tight vote --</p> <p>18 SEN. FRASER: I -- I --</p> <p>19 SEN. VAN de PUTTE: -- of the bill.</p> <p>20 SEN. FRASER: I disagree with you on that, 21 that there are -- are small things that we're different 22 on, which basically is the number of things that you can 23 use for identification. But there are a list. I think 24 they have six in Indiana. We have four in Texas. We're 25 under discussion about that four, should it be expanded.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000103

JA_000102

TX_00000103

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">189</p> <p>1 So saying that they're very different is 2 not a correct observation. There is very small 3 differences between the -- the Indiana, Georgia, or 4 Texas. They're actually very, very much alike, and that 5 also gives us the reason we believe it will be approved 6 by the Supreme Court and DOJ.</p> <p>7 SEN. VAN de PUTTE: Well, I wanted the 8 opportunity to correct myself because Georgia only 9 allows for an alternate two forms in a provisional 10 ballot for first-time voters only, and so they do not 11 allow -- and I stand corrected. You are correct that 12 they don't have two forms of alternate that are not a 13 photo ID. The only time in the Georgia law that they 14 make reference to two forms -- and that's what I was 15 looking at and they have other things that they can use, 16 a bank statement, a current utility bill, a paycheck -- 17 is when they are casting a ballot for the first time and 18 they have -- they are new registrants and they don't 19 have a photo ID.</p> <p>20 So I stand corrected. You are correct in 21 that for a provisional ballot, they do not allow two. 22 The only time they do -- and I'm looking at their 23 Senate -- their -- their bill -- is on a -- and I stand 24 corrected. So I wanted to let you know that I misspoke. 25 That is not correct. It's only the two alternate forms</p>	<p style="text-align: right;">191</p> <p>1 SEN. FRASER: -- of the ballot, making 2 sure that the person that is trying to vote is who they 3 represent to be.</p> <p>4 SEN. ELLIS: And if that's the case, why 5 wouldn't you apply a voter -- photo voter identification 6 requirement to mail-in ballots? Don't you think there's 7 probably room for more fraud for the mail-in ballots?</p> <p>8 SEN. FRASER: I will support you a hundred 9 percent. You file that bill, you come forward with it, 10 and we'll talk about it. But this bill does not in any 11 way address mail-in ballots. This is only in-person 12 voter --</p> <p>13 SEN. ELLIS: But you -- but you will 14 concede that there's probably room, just from a 15 layperson's perspective? Neither you nor I are experts 16 on it, and I'm just asking you to make the point. Will 17 you concede that there's room -- there's potential for 18 more fraud with a mail-in ballot than with somebody 19 showing up?</p> <p>20 SEN. FRASER: I'm going to concede that 21 the bill that I'm laying out today will help a lot with 22 the in-person, you know, potential of fraud, and it will 23 make sure the person there is -- is who they say they 24 are.</p> <p>25 SEN. ELLIS: If you just had to guess,</p>
<p style="text-align: right;">190</p> <p>1 when they're doing for first-time registrants.</p> <p>2 SEN. FRASER: Thank you for that 3 correction, and that -- that is -- the documentation I 4 show does show that they require a photo ID.</p> <p>5 SEN. VAN de PUTTE: And so I just want to 6 thank you for the ability to clarify this and know that 7 this is your -- this is a Texas bill, and it'll probably 8 be known as the Texas bill. And -- and -- and to your 9 credit, for every -- all the work that you've done, I 10 believe it is very stringent in small ways in the 11 wording. But for the groups of people that I think will 12 have a burden, they -- they have no alternate means.</p> <p>13 So thank you very much for the opportunity 14 to clarify. And, Mr. Chairman, I don't have any other 15 questions of the author.</p> <p>16 CHAIRMAN DUNCAN: Senator Ellis?</p> <p>17 SEN. ELLIS: Just a couple questions, 18 Senator. I know you're tired. You've been up a long 19 time.</p> <p>20 From your opening statement, the primary 21 reason for this bill is because of your concern about 22 voter fraud. Right? Voter fraud, that's the primary 23 reason --</p> <p>24 SEN. FRASER: The integrity --</p> <p>25 SEN. ELLIS: -- for the --</p>	<p style="text-align: right;">192</p> <p>1 would you think people who are more apt to do a mail-in 2 ballot would be people in the red jersey or the blue 3 jersey?</p> <p>4 SEN. FRASER: I wouldn't be apt to guess.</p> <p>5 SEN. ELLIS: Do you care?</p> <p>6 SEN. FRASER: Oh, I care a lot, but I'm 7 not going to guess.</p> <p>8 SEN. ELLIS: Okay. You heard the 9 discussion earlier about the concern -- I think even in 10 your district, some of those DPS offices, I think, on 11 that map may be closing a few days a week. So you -- 12 you did say that you have some concern about access for 13 people to go and get --</p> <p>14 SEN. FRASER: It -- it is a discussion 15 going on, and it's -- you know, there -- I actually was 16 grinning as they were talking about the -- the -- you 17 know, the offices, is that I have the same challenge 18 sometime; and, you know, you've got to work to make sure 19 that they're open.</p> <p>20 But that's a discussion we're having 21 with -- with Senator Williams. He's having a discussion 22 with DPS, and we're -- we're trying to look at, through 23 his committee, the Finance Committee and communique with 24 DPS, the -- the easiest way to make sure that everyone 25 can -- can comply.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000104

JA_000103

TX_00000104

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 SEN. ELLIS: But you'll agree, it's a 2 problem? There's some concerns about it?</p> <p>3 SEN. FRASER: I don't know that I'll agree 4 that it's a problem. Problem implies that, you know, 5 there are -- everyone works through it. I've got a 6 driver's license. You've got a driver's license. 7 Probably, I would love for them to come in my office and 8 take my picture, but it doesn't work that way. I have 9 to go and put out the effort to go and get it. And 10 that's the system we have, and we just need to make it 11 as easy as possible.</p> <p>12 SEN. ELLIS: Well, what prompted you, 13 Senator, to carry this bill? I mean, was it 14 something -- just laying up at night? Did somebody come 15 to you? What -- you're such a handsome fellow, but why 16 you?</p> <p>17 SEN. FRASER: The -- and actually, I'll go 18 back to -- you asked me the same question two years ago, 19 and it's in the record. We just, you know, entered it.</p> <p>20 Actually, this is over a number of years, 21 just watching and looking at articles of things that 22 happened. Obviously, there's a lot of press about 23 the -- the Carter-Baker Commission of concern, and I 24 watched the issue. And it was being asked a lot, as I 25 was speaking out in the district, is that when are we</p>	<p>193</p> <p>1 percent of the people -- and I think the number is 2 probably higher than that -- have a driver's license in 3 Texas.</p> <p>4 But if you're going to put a picture on a 5 voter registration, that means that every single person 6 that's registered to vote has to go back in, have a 7 picture made, have the cost of putting it on there. So 8 it's not only the cost --</p> <p>9 SEN. ELLIS: Let me try it a different 10 way. Do you think that more people who are registered 11 to vote -- you think that more people who are registered 12 to vote would have the voter registration card than a 13 driver's license?</p> <p>14 SEN. FRASER: Say it again. Do it one 15 more time.</p> <p>16 SEN. ELLIS: Do you -- would you agree 17 that more people --</p> <p>18 CHAIRMAN DUNCAN: Senator? Senator Ellis, 19 y'all are talking over each other. If you --</p> <p>20 SEN. ELLIS: Oh, are we? Should I back 21 up?</p> <p>22 CHAIRMAN DUNCAN: Yeah -- no. No.</p> <p>23 Just --</p> <p>24 SEN. ELLIS: I'll talk slower.</p> <p>25 CHAIRMAN DUNCAN: -- when he starts to</p>
<p>194</p> <p>1 going to, you know, address it. And I thought -- I 2 thought the issue had matured, and I decided to file it. 3 If you -- if you remember, this is the third session I 4 filed this bill.</p> <p>5 SEN. ELLIS: Well, I've always known you 6 to be a member, Senator, who digs into an issue. You -- 7 you read a lot.</p> <p>8 Why would you say a new photo ID? Why 9 wouldn't you just make a -- have a bill that has a 10 requirement that we put a photo on the voter 11 registration card? I mean, wouldn't you agree? 12 Probably more people have a voter registration card in 13 Texas than have a driver's license.</p> <p>14 SEN. FRASER: That -- well, I don't --</p> <p>15 SEN. ELLIS: Okay. All right.</p> <p>16 SEN. FRASER: I don't --</p> <p>17 SEN. ELLIS: You think more people in 18 Texas --</p> <p>19 SEN. FRASER: -- think that's true.</p> <p>20 SEN. ELLIS: -- have a driver's license?</p> <p>21 SEN. FRASER: I don't -- I'm having the 22 chairman of the committee that is over it -- 23 interestingly, I want you to think about what you just 24 suggested, is that driver's license is going to be the 25 easy form of identification. We -- we know that 90-plus</p>	<p>196</p> <p>1 answer the question, let him answer it and then ask 2 another question so only one person is speaking at a 3 time.</p> <p>4 SEN. ELLIS: Okay.</p> <p>5 CHAIRMAN DUNCAN: Thank you.</p> <p>6 SEN. ELLIS: Are you through?</p> <p>7 SEN. FRASER: I'm not even sure what the 8 question was.</p> <p>9 SEN. ELLIS: The question is, would you 10 agree that more people who vote have a voter 11 registration card than a driver's license? They'd have 12 to because you've got to -- you're supposed to go get a 13 voter registration to be able to vote.</p> <p>14 SEN. FRASER: Can I answer your question?</p> <p>15 SEN. ELLIS: Yeah.</p> <p>16 SEN. FRASER: I'm -- I'm sure everyone at 17 some point were mailed one, but it has been years since 18 I walked in with a voter registration card. I show my 19 driver's license when I vote, and I would say probably 20 that is -- do you show yours, or do you show your 21 driver's license?</p> <p>22 SEN. ELLIS: I show my driver's license.</p> <p>23 SEN. FRASER: Well, there's -- but you 24 have -- you probably were mailed a voter registration.</p> <p>25 SEN. ELLIS: I have both.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000105

JA_000104

TX_00000105

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 SEN. FRASER: Okay.</p> <p>2 SEN. ELLIS: Let me ask you this: There's</p> <p>3 an article in today's paper. It says nearly 650,000</p> <p>4 Texans who refuse to pay surcharge penalties for drunken</p> <p>5 driving, no insurance, and other violations are being</p> <p>6 offered a one-time amnesty by the state. Those offered</p> <p>7 amnesty represent just over half of the estimated</p> <p>8 1.2 million Texans in default. It talks about what they</p> <p>9 owe the state. But all of these folks who are in</p> <p>10 default, because we balanced the budget in '03 with</p> <p>11 surcharges for people who have a license, all have had</p> <p>12 their licenses suspended for not paying. So would that</p> <p>13 concern you any that, at least, according to folks who</p> <p>14 go get amnesty, that's 1.2 million. That would be more</p> <p>15 than that. There's 1.2 million owes the state X amount.</p> <p>16 That's what this article is about.</p> <p>17 But would you concede it ought to be a</p> <p>18 problem because we've got a lot of people who had a</p> <p>19 driver's license, I assume the one's who owe the</p> <p>20 surcharges are -- you know, maybe a disproportionate</p> <p>21 number of them are folks who didn't have the money to</p> <p>22 pay the surcharges. Maybe some of them were just civil</p> <p>23 libertarians, didn't like the bill and wouldn't pay it</p> <p>24 period. But a lot of them are probably working-class</p> <p>25 people who can't pay it. So at least over 1.2 million</p>	<p>197</p> <p>1 you are, I want my money. I want some of this 1. --</p> <p>2 \$1.1 billion that you owe to the state"?</p> <p>3 SEN. FRASER: I'm not advised.</p> <p>4 SEN. ELLIS: Okay. One distinction,</p> <p>5 obviously, is these people still have a constitutional</p> <p>6 right to be able to vote.</p> <p>7 One last point. On the exemption for the</p> <p>8 elderly, I don't know if I'm reading this right or not,</p> <p>9 but in your mind, is that a one-time exemption or would</p> <p>10 people over -- I think you and Senator West were going</p> <p>11 through the age deal earlier, and we have to find out</p> <p>12 from the Secretary of State which one of you hits 70</p> <p>13 first. But if you have -- the way I read your bill, if</p> <p>14 you don't hit 70 before that date in January, I believe,</p> <p>15 of 2012, then it wouldn't apply. So anybody on this</p> <p>16 floor who will be over 70 at some point or any of your</p> <p>17 constituents who will hit 70 after that date in January</p> <p>18 of 2012, would not have that exemption. Is that</p> <p>19 correct?</p> <p>20 SEN. FRASER: Yes.</p> <p>21 SEN. ELLIS: So your intent is that one</p> <p>22 time.</p> <p>23 SEN. FRASER: No, it's not a one-time at</p> <p>24 all.</p> <p>25 SEN. ELLIS: Continuous for people who are</p>
<p>198</p> <p>1 Texans since 2003 have gotten their licenses suspended,</p> <p>2 so they will no longer have a valid driver's license</p> <p>3 that they could use to go and vote like you and I do.</p> <p>4 Does that concern you?</p> <p>5 SEN. FRASER: Well, first of all, if -- if</p> <p>6 some reason it's a felony, that -- of the crime that</p> <p>7 they're not paying for, I'm not sure that they -- I</p> <p>8 guess I'd question whether they're eligible. I don't</p> <p>9 know the answer. We'd ask the Secretary of State that.</p> <p>10 SEN. ELLIS: I don't think --</p> <p>11 SEN. FRASER: But the easy answer to your</p> <p>12 question is, we're going to give them an ID free. So if</p> <p>13 they've lost their driver's license, all they got to do</p> <p>14 is go back down and get a free ID. We'll hand them a</p> <p>15 new one.</p> <p>16 SEN. ELLIS: So you think the over</p> <p>17 1.2 million people who had their licenses suspended</p> <p>18 because of the surcharges this legislature put on them</p> <p>19 in 2003 is not -- they haven't been convicted of a -- of</p> <p>20 a felony. That's not on their record, but their license</p> <p>21 has been suspended. They're being offered amnesty,</p> <p>22 according to the article in today's paper. You think</p> <p>23 that those folks would go and get this new ID? You</p> <p>24 don't think they'd be worried about showing up and</p> <p>25 somebody saying, "Hey, by the way, now that I know where</p>	<p>200</p> <p>1 already 70 after January of 2012?</p> <p>2 SEN. FRASER: If you're 70 on January 1,</p> <p>3 2012, you will be subject to current law the rest of</p> <p>4 your life.</p> <p>5 SEN. ELLIS: Okay. I want to make sure</p> <p>6 that's clear, because some folks have --</p> <p>7 SEN. FRASER: If you're 70 on that --</p> <p>8 SEN. ELLIS: -- called my office from</p> <p>9 AARP --</p> <p>10 SEN. FRASER: Yes.</p> <p>11 SEN. ELLIS: Okay.</p> <p>12 SEN. FRASER: Yes.</p> <p>13 SEN. ELLIS: So it's not for all people</p> <p>14 over 70. Just those who will hit 70 by January of 2012.</p> <p>15 SEN. FRASER: If you're 70 on January 1,</p> <p>16 2012, you will be subject to the -- the -- not be</p> <p>17 subject to these provisions. You basically will be</p> <p>18 operating under current law for the rest of your life.</p> <p>19 SEN. ELLIS: Are you confident, Senator,</p> <p>20 that your bill would not have a disparate impact on the</p> <p>21 elderly, on women, on those that are physically</p> <p>22 challenged, on racial ethnic minorities?</p> <p>23 SEN. FRASER: I am --</p> <p>24 SEN. ELLIS: Are you confident?</p> <p>25 SEN. FRASER: -- absolutely sure. I would</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000106

JA_000105

TX_00000106

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">201</p> <p>1 not have filed the bill if I had thought it -- I want to 2 make sure that every person in the state has a right to 3 vote. The -- not -- you know, the right that we extend 4 them, they should have that, and I do not believe that 5 in any way we're impacting that and that -- that -- you 6 know, I want to make sure that the groups you're talking 7 about, you know, women, minority, elderly, that they all 8 have the right to vote; and I believe my bill does that.</p> <p>9 SEN. ELLIS: Okay. And I know that's your 10 intent.</p> <p>11 SEN. FRASER: Yes.</p> <p>12 SEN. ELLIS: But you're confident that it 13 will have no impact?</p> <p>14 SEN. FRASER: I'm very confident.</p> <p>15 SEN. ELLIS: Okay. To that end, would you 16 have a problem with putting a provision in this bill so 17 that the Secretary of State would do an annual report on 18 whether or not this bill has had a disparate impact?</p> <p>19 SEN. FRASER: I think we're going to get 20 our report back from the -- assuming it gets to the 21 Supreme Court and Department of Justice, I believe we'll 22 get our report card from that. And then through time, 23 if there are -- and I'm going to go back to the examples 24 of Indiana and Georgia. To my knowledge, there has 25 never been a person that has reported that had a</p>	<p style="text-align: right;">203</p> <p>1 over time, that has gotten better, but in our southern 2 states, in particular, it has not been an easy journey 3 to get to where we are. So what -- what would be wrong 4 with just simply coming up with some simple methodology 5 and let the Secretary of State do that?</p> <p>6 SEN. FRASER: We have a simple 7 methodology. It's called going into a session on the 8 second Tuesday of every -- you know, every odd year. 9 And you, as my desk mate, sitting beside me, I feel very 10 comfortable that we'll -- we'll get that -- you know, 11 we'll look at it every couple of years. So I -- I think 12 the fact that we come back in, we're going to be given 13 the opportunity every two years to -- to re-examine. 14 And there will be discussion about this, of whether it's 15 working or not.</p> <p>16 SEN. ELLIS: To implement your bill, 17 you're going to use federal money to be able to do it. 18 Where would that money be used if it was not going to be 19 used to implement this new system?</p> <p>20 SEN. FRASER: Well, obviously -- and, 21 again, I don't want to speak for the Secretary of 22 State's office. When they're here, they can give you an 23 ideal. But if there's a pretty good-sized pot of money 24 that's sitting there that we haven't spent yet and 25 we're -- you know, we're pretty good about being</p>
<p style="text-align: right;">202</p> <p>1 problem -- came forward because they had a problem with 2 the laws they've, you know, implemented. We're doing 3 exactly the same thing.</p> <p>4 So I think you and I, as legislators, if 5 there's a problem, will hear about it. And I would not 6 want to put the burden on an agency. You know, if we 7 hear about it, then we can do that in the future.</p> <p>8 SEN. ELLIS: Maybe I'm just at a loss. If 9 you -- I know your intent, and you are confident your 10 bill will not have a disproportionate impact on certain 11 groups. I mean, were the concern be the methodology, 12 you could design that. But what would be wrong with the 13 Secretary of State doing an annual report on whether or 14 not this bill has a disproportionate impact on any 15 groups of people so that we know? What -- I mean, you 16 know, we -- oftentimes we pass -- I think we even have 17 a -- I think it might have been Shapleigh who put it in 18 some time ago, when we do a tax bill as a requirement, 19 that we have LBB do a disparate impact statement just so 20 we know because as you know, I mean, we're tinkering 21 with a constitutional right.</p> <p>22 And, Senator, I might add, we're in a 23 state -- well, you know the history. I mean, initially, 24 you had to be a property owner to vote or you had to be 25 a male to vote, had to be a certain color to vote. Now,</p>	<p style="text-align: right;">204</p> <p>1 creative about, you know, where you spend money. So I'm 2 assuming that money is restrictive about where they can 3 spend it, and I think probably this is a -- an 4 application where it fits.</p> <p>5 And I guess to answer to your question, I 6 don't know. You can ask them, but I think this is a 7 good place to spend it.</p> <p>8 SEN. ELLIS: Would a new change go into 9 effect in the next cycle?</p> <p>10 SEN. FRASER: I'm sorry. Do that again.</p> <p>11 SEN. ELLIS: With a new election change, a 12 major requirement going into place for the next cycle 13 with new districts, you and I have new districts, do you 14 think it would make sense to give people the ability to 15 register on that day with the photo ID you're requiring?</p> <p>16 SEN. FRASER: No.</p> <p>17 SEN. ELLIS: So could you go in and 18 register on that day because some people are just maybe 19 confused about this new requirement we're putting in 20 place?</p> <p>21 SEN. FRASER: We're going to spend a lot 22 of time and hopefully dollars educating both the public 23 and the -- the workers, and I think the system will work 24 very well like it is.</p> <p>25 SEN. ELLIS: Your bill looks -- I mean,</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000107

JA_000106

TX_00000107

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">205</p> <p>1 it's obviously a bit more stringent, bit more onerous 2 than the bill you had last session. And based on the 3 questions with you and, I think, Senator Van de Putte 4 earlier, it looks like this bill is also more stringent 5 than the Indiana bill that you modeled it after.</p> <p>6 SEN. FRASER: That -- you missed the 7 conversation we just had with -- with Senator Van de 8 Putte. That is not the case. It actually is -- is a 9 very, very small change between --</p> <p>10 SEN. ELLIS: They take student --</p> <p>11 SEN. FRASER: Huh?</p> <p>12 SEN. ELLIS: They take student IDs --</p> <p>13 SEN. FRASER: Well, I --</p> <p>14 SEN. ELLIS: -- in Indiana?</p> <p>15 SEN. FRASER: We -- we have four forms of 16 IDs in this bill that we're accepting, but we're also 17 listening to the debate. Indiana has six forms. 18 Georgia I think expands it to about eight. So it's the 19 number -- the type of, but they're all photo -- 20 government-issued photo IDs.</p> <p>21 SEN. ELLIS: Okay. So I guess when I say 22 it's more onerous, there are more people in Texas who 23 would have a student ID than a passport.</p> <p>24 SEN. FRASER: Not advised.</p> <p>25 SEN. ELLIS: Okay. Do you know how many</p>	<p style="text-align: right;">207</p> <p>1 are issued with, you know, our -- our input. So the 2 easy answer to that is that we want to make sure that we 3 have something that is easily recognizable to the poll 4 worker, and we can verify that it is -- it is valid.</p> <p>5 SEN. ELLIS: What if we tried to put in a 6 student ID from a state institution so at least we did 7 that.</p> <p>8 SEN. FRASER: Senator, if you want to 9 offer amendments, as I told Senator Gallegos, I draw 10 them up, get it to you where I can look at it and get 11 plenty of time to look at it. There's -- you know, 12 we're going to look at every amendment. If you -- you 13 know, you can throw anything out. We'll discuss it.</p> <p>14 But, I mean, the thing we're trying to do 15 is we're trying to make it easy as possible on the 16 Secretary of State and the poll worker as we implement, 17 making sure that it's easily identifiable but also, you 18 know, is good public policy.</p> <p>19 SEN. ELLIS: Well, I'm just asking -- now, 20 I hate to take your time, but, I mean, you -- you put it 21 on the fast track. I mean, I -- I'd like to be working 22 on the budget or something else, but --</p> <p>23 SEN. FRASER: I didn't put it --</p> <p>24 SEN. ELLIS: -- since you put it on the 25 fast track.</p>
<p style="text-align: right;">206</p> <p>1 Americans have a passport?</p> <p>2 SEN. FRASER: Not advised.</p> <p>3 SEN. ELLIS: Well, I know from the press 4 counts, you and I have one. But -- but I'll just tell 5 you --</p> <p>6 SEN. FRASER: We don't -- we don't talk 7 about that.</p> <p>8 (Laughter)</p> <p>9 SEN. ELLIS: We've gone to a few places 10 together.</p> <p>11 Six percent of the people, I think, in 12 America have passports. I think about the lowest 13 percentage for most nations in the top 20, 6 percent of 14 the people in America have passports. So I guess I'm 15 saying, why would you choose that as one of your forms 16 of ID as opposed to a student ID when you know we have 17 problems getting young people sometimes to focus for 18 more than a week? But folks who have a passport, you've 19 got to be fairly worldly, shall we say, to go get a 20 passport. And if the number is 6 percent in America, 21 I'm just guessing less than 6 percent of the people in 22 Texas have a passport.</p> <p>23 SEN. FRASER: We know the people that are 24 issuing the passports. We don't know where all the 25 student IDs are coming from because not all student IDs</p>	<p style="text-align: right;">208</p> <p>1 SEN. FRASER: I didn't put it on the fast 2 track. I'm -- you know, I did not put it on the fast 3 track. I think the -- the person in the center office 4 put it on a -- as an emergency bill and --</p> <p>5 SEN. ELLIS: So you really don't want to 6 do this, do you?</p> <p>7 SEN. FRASER: I am standing here 8 explaining it to you because I think it's good public 9 policy.</p> <p>10 SEN. ELLIS: I'll leave you alone after 11 this one.</p> <p>12 But based on the election results of the 13 last cycle, what fraud will your side of the aisle be 14 worried about? Senator Whitmire raised that with me the 15 other day. I'm saying this: As well as your side did, 16 seems like my side ought to be a little bit more worried 17 about if there was some fraud.</p> <p>18 SEN. FRASER: I think if you look at the 19 polling in your district, your district is worried 20 because they're telling you you need to vote for it; and 21 I'm telling you, you're on the wrong side of this issue.</p> <p>22 SEN. ELLIS: I respectfully would say you 23 ought to be a little careful with that notion of what 24 polling data says. I'm willing to bet you, Troy, when 25 our predecessors stood on this floor and sat in these</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000108

JA_000107

TX_00000108

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">209</p> <p>1 seats and passed most of the restrictions, that at some 2 point were in state law, the polling data indicated they 3 were on the right side of history; but you and I know 4 they were on the wrong side of it.</p> <p>5 SEN. FRASER: All I can tell you is the 6 question's pretty straightforward. It said -- they 7 asked the people in your area, "Should you have to show 8 a photo ID when you vote?" And the number across, 9 Republican, Democrat, Hispanic, African American, 10 others, were overwhelming.</p> <p>11 SEN. ELLIS: Well, let me ask you this: 12 If I come up with some polling data that says they would 13 support same-day registration, recognizing student ID, 14 exempting people over 70 forever, not just for those who 15 hit 70 before the next election cycle, to what extent 16 would you be voting based on what the polling says?</p> <p>17 SEN. FRASER: Well, come -- come forward 18 with your data. But I can tell you the things you've 19 mentioned, the only one that is applicable to this bill 20 is the -- the elderly because the same-day voting, those 21 other things, that's another issue for another day. 22 Doesn't fit on this bill.</p> <p>23 SEN. ELLIS: Thank you.</p> <p>24 CHAIRMAN DUNCAN: Chair recognizes Senator 25 Zaffirini.</p>	<p style="text-align: right;">211</p> <p>1 focus on that.</p> <p>2 In the first paragraph, you'll see that it 3 states very clearly that the punishment for attempting 4 to vote illegally would be enhanced from a Class A 5 misdemeanor to a state jail felony, and the punishment 6 for illegal voting would be enhanced from a third degree 7 felony to a second degree felony. What would be the 8 impact on our state budget of increasing those 9 penalties?</p> <p>10 SEN. FRASER: I'm sorry. I'm not advised 11 as the impact on the budget, as you know. You're on 12 finance, I'm not. You would know that.</p> <p>13 The second question I'm assuming you're 14 asking is, why we would consider doing this? Actually, 15 these suggestions were brought forward by Democratic 16 members of your delegation that said, "Why don't we go 17 ahead and increase it?" So we increased the penalties 18 for fraud. So the recommendations on doing this, it 19 actually was across the board. We had people on both 20 sides, but there was recommendations that we increase 21 these penalties.</p> <p>22 The impact of the cost to the budget, I'm 23 sorry, I'm not advised. My job is to make sure the 24 public is well served, and if someone commits fraud 25 by -- by voter impersonation, that the penalties are</p>
<p style="text-align: right;">210</p> <p>1 SEN. ZAFFIRINI: Thank you, 2 Mr. President -- or Mr. Chairman.</p> <p>3 Senator Fraser, my first questions will 4 focus on the criminal justice impact, if you have a copy 5 of that.</p> <p>6 SEN. FRASER: Well, excuse me, before 7 you -- what your first question should be, do I still 8 have my thick book that you were impressed with last 9 time. My --</p> <p>10 SEN. ZAFFIRINI: Yes. I was --</p> <p>11 SEN. FRASER: I reread the data last night 12 that you were going to instruct your staff asking them 13 why you didn't have one.</p> <p>14 SEN. ZAFFIRINI: Well, good. I wish you 15 had it again.</p> <p>16 SEN. FRASER: I do have it.</p> <p>17 SEN. ZAFFIRINI: Good.</p> <p>18 SEN. FRASER: Right here.</p> <p>19 SEN. ZAFFIRINI: Good.</p> <p>20 SEN. FRASER: I was -- oh, go ahead, 21 please.</p> <p>22 SEN. ZAFFIRINI: But do you have a copy of 23 your criminal justice impact statement?</p> <p>24 SEN. FRASER: I do now.</p> <p>25 SEN. ZAFFIRINI: My first questions will</p>	<p style="text-align: right;">212</p> <p>1 strict.</p> <p>2 SEN. ZAFFIRINI: But I am concerned about 3 this, Senator, and I don't know what Democrat or what 4 Republican asked you to make those changes. I was not 5 privy to that conversation.</p> <p>6 But if you look at the last paragraph, it 7 says: Increasing the penalty for any criminal offense 8 is expected to result in increased demands upon the 9 correctional resources of counties or of the state due 10 to longer terms of probation, of longer terms of 11 confinement and county jails or prison. And then it 12 also states: When an offense is changed from a 13 misdemeanor to a felony, there is a transfer of the 14 burden of confinement of convicted offenders from the 15 counties to the state.</p> <p>16 So earlier there was senators who talked 17 about unfunded mandates for the counties, but in this 18 case, we are -- we seem to be relieving the county of 19 some of its burden but then increasing the burden to the 20 state. And my question remains: At what cost?</p> <p>21 Now, this bill, were it before the Finance 22 Committee, we would have a fiscal note; but because it's 23 not, it's because it's before the Committee of the 24 Whole. We are restricted to the fiscal note that we 25 have here, and it's strange that we don't have a</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000109

JA_000108

TX_00000109

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>213</p> <p>1 connection between the cost of the criminal justice 2 impact and the fiscal note. It seems that there's two 3 independent documents, as they should be, but it seems 4 to me, that the fiscal note should reflect the cost that 5 is defined or, at least, specified in the criminal 6 justice impact statement.</p> <p>7 SEN. FRASER: Well, and I think the easy 8 answer to that -- I'll -- if someone else, if -- we may 9 defer to Senator Williams, if he wanted to comment, or 10 another member.</p> <p>11 But I think the easy answer to this is 12 that if we implement the photo ID, it's pretty 13 straightforward, that someone -- if they're going in, if 14 they have a driver's license and they're -- you're 15 attempting to vote, that there's a good assumption that 16 the driver's license is valid, that they are who they 17 say they are. So I'm -- we're hoping that the deterrent 18 will be that people will not try to vote fraudulently, 19 that the ones that are voting will be valid voters, and 20 we don't have a lot of people going to prison because 21 hopefully, they won't try to vote illegally. I -- 22 that's the hope.</p> <p>23 SEN. ZAFFIRINI: Well, actually, Senator, 24 that is why some of us are opposed to this bill because 25 we don't understand the problem that has been defined.</p>	<p>215</p> <p>1 Thank you. 2 My next questions will focus on the fiscal 3 note. Do you have a copy of the fiscal note? 4 SEN. FRASER: I do. Somewhere. 5 SEN. ZAFFIRINI: I'll wait till you get 6 it. 7 SEN. FRASER: Yes. 8 SEN. ZAFFIRINI: You have it? 9 SEN. FRASER: I have. 10 SEN. ZAFFIRINI: So the fiscal note shows 11 \$2 million but all in fiscal year 2012. Why aren't 12 there recurring costs? Is that because the photo ID 13 card is issued in perpetuity, or it doesn't have to be 14 renewed? 15 SEN. FRASER: Senator, again, you're -- 16 you're a member of finance who would know. You know, 17 this comes from LBB which did consultation with the 18 affected parties, which are Secretary of State, DPS. 19 We're going to have expert witnesses who will come up in 20 a minute -- 21 SEN. ZAFFIRINI: Okay. 22 SEN. FRASER: -- and they will explain how 23 they delivered that data. I think probably what you're 24 going to hear from them is that a lot of the initial 25 cost would be in the education of the -- the -- the</p>
<p>214</p> <p>1 For example, in that same paragraph, it says: In fiscal 2 year 2010, less than five people were under parole or 3 supervision for illegal voting. In fiscal year 2010, 4 five offenders were placed on community supervision, and 5 less than five offenders were released from community 6 supervision for illegal voting or attempting to vote 7 illegally; and then more important, in fiscal year 2010, 8 less than five people were arrested for illegal voting 9 or attempting to vote illegally.</p> <p>10 So it seems to me that this criminal 11 justice impact statement makes the point that there 12 isn't a problem, especially if you look at the last 13 sentence: It is assumed the number of offenders 14 convicted under this statute would not result in a 15 significant impact on the programs and workload of state 16 corrections agencies or on the demand for resources and 17 services of those agencies. So if they don't see an 18 increased demand in this area because they don't see 19 people being arrested, then where's the problem?</p> <p>20 SEN. FRASER: Well, and I guess I just 21 disagree with your analysis of this, is that voter 22 fraud, under current law, that our laws are so weak, 23 it's virtually impossible to -- to catch one and 24 convict; and that's the problem we're trying to address.</p> <p>25 SEN. ZAFFIRINI: Well, okay, Senator.</p>	<p>216</p> <p>1 Secretary of State educating both voters and poll 2 workers and any initial -- the free cards that we're 3 giving out, there will be more, probably, the first year 4 than other years. I'm -- I'm assuming that's it, but I 5 think I'd ask that question of the Secretary of State 6 and DPS.</p> <p>7 SEN. ZAFFIRINI: Well, but, again, the 8 fiscal note is submitted to the chair of the committee 9 that hears the bill. You'll notice at the top of 10 Page 1, it is directed to Robert Duncan, chair of the 11 Senate Committee of the Whole, not to Senator Ogden, 12 chair of Finance. And so it is not for the Finance 13 Committee to consider the costs and the implications of 14 these policy changes, but it's up to the Committee of 15 the Whole; and we are the ones who have this fiscal 16 note.</p> <p>17 And I challenged the fiscal note last 18 time. Remember it was zero, and I couldn't believe it? 19 And I asked you questions about that, and I just 20 couldn't believe it. And so now, all of a sudden, it's 21 a fairly similar bill. Many would say more restrictive, 22 but now it has a fiscal note of \$2 million.</p> <p>23 And did you say earlier, Senator, that 24 this cost would be covered by HAVA funds?</p> <p>25 SEN. FRASER: And -- and the difference</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000110

JA_000109

TX_00000110

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>217 1 between this year and two years ago, I think the 2 assumption last year -- two years ago is that they would 3 just be able to use the HAVA funds. And, again, I think 4 you probably should ask the Secretary of State. 5 I believe since then, they have made a 6 request of HAVA requesting that, and HAVA's response, I 7 believe, is that they will wait until the bill is 8 passed. And when the bill is passed, then they will 9 make a determination on whether you could use the -- the 10 money. But we're also looking at history of other 11 states. They have been allowed to use HAVA money. 12 But, again, I think I'd ask the Secretary 13 of State that question. 14 SEN. ZAFFIRINI: Well, as the author of 15 this bill, would you prefer that the state pay this 16 \$2 million in costs, or would you prefer that we use 17 federal funds? 18 SEN. FRASER: I would prefer the money 19 that's sitting over here in a pot at the Secretary of 20 State -- that has not been spent; obviously, I'd much 21 rather use that. 22 SEN. ZAFFIRINI: Do you know, Senator, 23 what the HAVA funds are used for? 24 SEN. FRASER: For educating -- it's the -- 25 help America vote. It's to encourage voting.</p>	<p>219 1 they have the authority under current law. 2 SEN. ZAFFIRINI: And you have no 3 information, then, about any recurring costs that we 4 should worry about? 5 SEN. FRASER: I have none. 6 SEN. ZAFFIRINI: And to whom would you 7 refer us on that issue? 8 SEN. FRASER: On recurring costs? 9 SEN. ZAFFIRINI: Uh-huh. 10 SEN. FRASER: Could you give me an 11 example? I don't -- I don't think I -- 12 SEN. ZAFFIRINI: Well, the fiscal note 13 shows all the expense in fiscal year 2012, and then it 14 doesn't show any other expenses -- 15 SEN. FRASER: I -- 16 SEN. ZAFFIRINI: -- beyond that. 17 SEN. FRASER: I would ask the Secretary of 18 State or DPS. 19 SEN. ZAFFIRINI: It just seems to me, 20 Senator, that there will be recurring costs because one 21 example would be the State's responsibility to provide 22 free photo ID cards on a recurring basis to the 23 significant portion of our population that moves 24 regularly. They move from one part of the state to 25 another, and they might need a different card in that</p>
<p>218 1 SEN. ZAFFIRINI: So basically, if we use 2 the HAVA funds for this purpose, we are repurposing the 3 HAVA funds that are already there and intended for 4 things like new equipment and ongoing training programs? 5 SEN. FRASER: Senator, I don't think -- I 6 think the decision will be made by the federal agency 7 that sent us the money, the HAVA people; and if they've 8 already authorized other states to use this for voter -- 9 it's for voter education, and this would fall in the 10 area of voter education, I would assume. 11 SEN. ZAFFIRINI: Well, it's my 12 understanding, Senator, that it is for the state to 13 submit a plan. The federal government doesn't tell us 14 what to do in that area, not that it doesn't tell us in 15 other areas. 16 SEN. FRASER: And, Senator, I hate -- it's 17 the same answer I've given multiple people before, is 18 that the Secretary of State will be coming up. I think 19 that's the person to address this. 20 SEN. ZAFFIRINI: Do you have any 21 suggestions regarding the training that is referred to 22 on Page 2 of the fiscal note, local government impact? 23 SEN. FRASER: I do not. That, again, 24 will -- it is the job of the Secretary of State to 25 administer that, recommend the training, and I believe</p>	<p>220 1 area. And that would be a recurring cost, would it not? 2 SEN. FRASER: Senator, since 2006, there 3 have only been 37,000 people that registered to vote 4 that did not have a current driver's license. That -- 5 that's in the last five years. So the assumption is, 6 the number that is coming into the system that would not 7 have a card, the number is very low. The cost of that 8 card is not a huge number. So actually, the amount that 9 it would cost to take care of them is a -- not a large 10 number. 11 SEN. ZAFFIRINI: What I'm worried about, 12 Senator, as a member of the Finance Committee, is 13 unintended consequences and unexpected costs. Not 14 unexpected because we don't foresee them and can't 15 identify them, but because of the criminal justice 16 impact statement and because of the fiscal note that we 17 have that simply don't address these issues. 18 For example, Line 12, Page 12 of the bill, 19 you refer to the cost of the get-out-the-vote efforts; 20 and basically, the fiscal note states: The analysis is 21 incomplete because, quote, it is not known how many 22 voter registration drives or other activities designed 23 to expand voter registration would occur. So we don't 24 even have an estimated cost of one voter registration 25 drive. And if it is our intent to ensure that we have</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000111

JA_000110

TX_00000111

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>221 1 more, we're not considering the cost, it seems to me 2 that we are being irresponsible in terms of identifying 3 the exact cost or the best estimated cost of this bill. 4 SEN. FRASER: And we are -- have the 5 benefit of not being the first one to implement this. 6 We don't have to reinvent the wheel. We can look at the 7 history of states that have implemented, like Indiana, 8 Georgia, and others, look at common things that have 9 happened there. We're going to have a person from 10 Indiana here. I think it -- that would probably be a 11 question you might ask, is the reoccurring cost, because 12 they've had this in effect. I believe they passed it in 13 2006. 14 SEN. ZAFFIRINI: But, of course, when we 15 talk about other states, including Indiana, we -- Texas 16 is much bigger and much more diverse; and so our 17 problems will be very different, our challenges will be 18 very different, and I believe our costs will be 19 significantly higher. But, again, I'm concerned as a 20 member of the Finance Committee. 21 But speaking of costs related to other 22 states, are you aware, Senator, that in many, if not 23 all, of the states that have implemented photo ID bills, 24 including those with less restrictive laws than the one 25 that you propose, they have been challenged in court.</p>	<p>223 1 that, you know, I'm not on Finance, you are. You're -- 2 you're -- you're asked to make those hard decisions. So 3 that, I would -- you know, that'll go back to the 4 Finance Committee. 5 SEN. ZAFFIRINI: Okay. 6 SEN. FRASER: But you're also making an 7 assumption that there's going to be an expense, which I 8 don't think there will be one because I think we'll be 9 able to spend the HAVA funds. 10 SEN. ZAFFIRINI: All right. Well, we 11 disagree on those. I think those assumptions are fairly 12 safe. 13 Senator Fraser, Senator Van de Putte 14 distributed this map earlier. Have you seen this map? 15 SEN. FRASER: I have not. 16 SEN. ZAFFIRINI: Basically, it shows 17 her -- if my -- Mr. Chairman? 18 CHAIRMAN DUNCAN: Senator Zaffirini? 19 SEN. ZAFFIRINI: If I may direct a 20 question to Senator Van de Putte? 21 CHAIRMAN DUNCAN: Pardon? 22 SEN. ZAFFIRINI: If I may direct a 23 question to Senator Van de Putte? 24 CHAIRMAN DUNCAN: Senator Van de Putte 25 doesn't have the floor.</p>
<p>222 1 What costs are we anticipating regarding being 2 challenged in court because of this bill? 3 SEN. FRASER: I'm -- I'm not advised, that 4 you're making an assumption we'll be challenged, and 5 I'm -- I do not -- I'm not advised. 6 SEN. ZAFFIRINI: I think it's a pretty 7 safe assumption. Indiana was challenged, and as I said, 8 many, if not all, of the states that have implemented 9 these bills have been challenged. 10 So I think, again, as members of the 11 Finance Committee, as members of the Senate, even those 12 who are not members of the Finance Committee, should 13 look at that as a possibility and certainly should 14 consider the costs. Is this where we want to spend our 15 money? Even the \$2 million. What if HAVA funds are not 16 used for this purpose? Is this where we want to spend 17 the \$2 million and significantly more in defending the 18 bill instead of addressing the other issues that we are 19 facing right now because of economic crisis in Texas? 20 SEN. FRASER: Was that a question? 21 SEN. ZAFFIRINI: Yes. Is it? 22 SEN. FRASER: Is what? Should -- 23 SEN. ZAFFIRINI: Is this where we want to 24 spend our money? 25 SEN. FRASER: It's -- the decision on</p>	<p>224 1 SEN. ZAFFIRINI: That's why I'm asking. 2 SEN. FRASER: And -- and I won't yield. 3 SEN. ZAFFIRINI: You won't yield? 4 SEN. FRASER: No, I will not yield. 5 SEN. ZAFFIRINI: All right. 6 SEN. FRASER: You -- I'll be glad to 7 answer the question. 8 SEN. ZAFFIRINI: All right. I simply 9 wanted to ask if she planned to distribute this, and if 10 so, I wasn't going to address it. 11 CHAIRMAN DUNCAN: If you want to introduce 12 the exhibit, you're welcome to do so. We've marked it, 13 I think. 14 SEN. ZAFFIRINI: All right. Then I would 15 like -- 16 SEN. FRASER: Senator, I'm sorry. I have 17 a map in front of me. I had not seen it, so -- 18 SEN. ZAFFIRINI: All right. Well, Senator 19 Van de Putte has indicated that I can request permission 20 to introduce this as an exhibit. 21 CHAIRMAN DUNCAN: Okay. I think it's been 22 marked, and would you -- would you bring it down, 23 please? 24 SEN. ZAFFIRINI: I believe Senator Van de 25 Putte has a clean copy. And this is a map that Senator</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000112

JA_000111

TX_00000112

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>225</p> <p>1 Van de Putte had developed, and it's titled, "Counties 2 With Department of Public Safety Driver's License Office 3 Closures."</p> <p>4 My question, Senator Fraser, would focus 5 on my district. For example, in my district, which 6 comprises 16 counties and part of Bexar, Northeast 7 Bexar, there is one county that has wheelchair 8 accessibility barriers; there are two counties that have 9 absolutely no driver's license offices; there are four 10 that have offices that are temporarily closed; and there 11 is one that has an office that is open three days or 12 fewer each week. And so you can see the accessibility 13 issues that we're dealing with, and you can -- when you 14 get the map -- oh, you do have a copy of the map. You 15 can see the difference throughout the state. There are 16 some states that you can see have a lot of pink, a lot 17 of blue, a lot of green, and then -- counties, rather -- 18 and there are others that are just white, that have 19 absolutely no barriers.</p> <p>20 So, Senator Fraser, looking at this map, 21 are you concerned that this bill would impact certain 22 counties that have a problem related to the 23 accessibility to driver's license offices?</p> <p>24 CHAIRMAN DUNCAN: Senator Zaffirini, if I 25 could -- before you get an answer to that question,</p>	<p>227</p> <p>1 what the questions are.</p> <p>2 Would you identify it, please? What's the 3 title of it?</p> <p>4 SEN. ZAFFIRINI: Yes. It is titled, 5 "Counties with Department of Public Safety Driver's 6 License Office Closures." It is a map of Texas showing 7 this -- these issues, and it was developed by Senator 8 Van de Putte. I had assumed that she had introduced it 9 into the record or had planned to, but I'm happy to do 10 it.</p> <p>11 CHAIRMAN DUNCAN: Okay. Do we have 12 copies?</p> <p>13 SEN. NELSON: We don't. Only the 14 Democrats do.</p> <p>15 CHAIRMAN DUNCAN: Okay. Well, here's what 16 I would suggest so that other members have an 17 opportunity to follow your questions and the answers, 18 that we at least get copies of that exhibit and 19 distribute it, if we could do that. And then, so if we 20 could defer on that until we get that done, Senator --</p> <p>21 SEN. ZAFFIRINI: Certainly.</p> <p>22 CHAIRMAN DUNCAN: -- that would be 23 helpful.</p> <p>24 SEN. ZAFFIRINI: Absolutely. No problem, 25 Mr. Chairman.</p>
<p>226</p> <p>1 let's get it in the record so everybody knows what we're 2 talking about.</p> <p>3 SEN. ZAFFIRINI: All right.</p> <p>4 CHAIRMAN DUNCAN: It's Exhibit --</p> <p>5 SEN. ZAFFIRINI: Mr. Chairman?</p> <p>6 CHAIRMAN DUNCAN: It's Exhibit 6, I 7 believe. Is that correct? It's not the two that you've 8 previously submitted.</p> <p>9 SEN. ZAFFIRINI: No.</p> <p>10 CHAIRMAN DUNCAN: Is that correct?</p> <p>11 SEN. ZAFFIRINI: It's Exhibit 6, then, 12 according to --</p> <p>13 CHAIRMAN DUNCAN: Okay.</p> <p>14 SEN. NELSON: Mr. Chairman?</p> <p>15 CHAIRMAN DUNCAN: And for what purpose?</p> <p>16 SEN. NELSON: It's me, and to ask Senator 17 Zaffirini a question or to point out that some of us do 18 not have a copy of this map.</p> <p>19 CHAIRMAN DUNCAN: Okay. Well, that would 20 be a parliamentary inquiry and --</p> <p>21 SEN. NELSON: Then I would like to make 22 that.</p> <p>23 CHAIRMAN DUNCAN: That's what I'm trying 24 to clear up, is I'm trying to get the exhibit in so that 25 we can distribute it so that everyone can understand</p>	<p>228</p> <p>1 Moving right along. I do have exhibit -- 2 I guess it's 4 --</p> <p>3 CHAIRMAN DUNCAN: We do have --</p> <p>4 SEN. ZAFFIRINI: -- and Exhibit No. 5 that 5 I'd like to enter into the record --</p> <p>6 CHAIRMAN DUNCAN: Okay.</p> <p>7 SEN. ZAFFIRINI: -- at this time. And 8 I'll wait until they're distributed, if you -- if I may 9 be permitted.</p> <p>10 CHAIRMAN DUNCAN: Would you identify 11 Exhibit 4, please?</p> <p>12 SEN. ZAFFIRINI: Certainly. Exhibit 4 is 13 a copy of a driver's license with personal information 14 obliterated.</p> <p>15 CHAIRMAN DUNCAN: Thank you. And 16 Exhibit 5?</p> <p>17 SEN. ZAFFIRINI: Exhibit 5 is a letter 18 directed to me, which I received today, from Spencer 19 Overton, professor of law at the George Washington 20 University Law School and a member of the Carter-Baker 21 Commission on federal election reform.</p> <p>22 CHAIRMAN DUNCAN: All right. Those 23 exhibits will be received in the record and distributed 24 to the members.</p> <p>25 (Exhibit Nos. 4 and 5 marked and admitted)</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000113

JA_000112

TX_00000113

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">229</p> <p>1 CHAIRMAN DUNCAN: Senator, you're -- you 2 can --</p> <p>3 SEN. ZAFFIRINI: Thank you.</p> <p>4 CHAIRMAN DUNCAN: -- continue on those 5 exhibits.</p> <p>6 SEN. ZAFFIRINI: Senator Fraser, thank you 7 for your courtesy and for your patience and your 8 stamina. I'm impressed, as always.</p> <p>9 On Page 4 of your bill, Senator Fraser, 10 Line 8, it states that "and the voter's identity can be 11 verified from the documentation presented under 12 Subsection (b), the voter shall be accepted for voting." 13 Can you describe what training the poll workers would 14 receive to ensure that they are trained in 15 identification verification?</p> <p>16 SEN. FRASER: Senator, you're moving 17 faster than I can. I'm on Page 4. Where are you 18 referring?</p> <p>19 SEN. ZAFFIRINI: Line 8 of the bill. 20 Well, basically, that's all it says, that if the 21 voter's -- that "If the voter's identity can be verified 22 from the documentation presented, the voter shall be 23 accepted for voting." That's the only part that I'm 24 quoting, and then I'm asking what kind of training the 25 poll workers would undergo in identification</p>	<p style="text-align: right;">231</p> <p>1 SEN. ZAFFIRINI: Take a good look. Look 2 at that picture. Look at him. That's right. That -- 3 and this picture was taken in 2006. Now, if I didn't 4 know Ray, who is my chief of staff, and I were to look 5 at this picture, I would say, "You're not verified. You 6 can't vote. You're an imposter." Look at the 7 difference. Total difference, and yet this photograph 8 was taken in 2006, and so it's current, it's valid. And 9 you can see if we who know him and have seen him, see 10 him every day, don't recognize his picture, imagine what 11 a poll worker would do with a driver's license like 12 this.</p> <p>13 UNIDENTIFIED SPEAKER: (Mic off)</p> <p>14 SEN. ZAFFIRINI: He's not a Laredoan, so 15 don't worry about it.</p> <p>16 (Laughter)</p> <p>17 SEN. ZAFFIRINI: Senator Fraser, do you 18 understand why we worry?</p> <p>19 (Senator Shapiro speaking without mic)</p> <p>20 SEN. ZAFFIRINI: Well, it's a very good 21 point to make, Senator Shapiro, that we should look at 22 our composite photos, and most of us don't look like 23 them, and yet they have the dates like 2008.</p> <p>24 SEN. WEST: We keep using those pictures.</p> <p>25 SEN. ZAFFIRINI: 2009. We sure keep using</p>
<p style="text-align: right;">230</p> <p>1 verification.</p> <p>2 SEN. FRASER: Great question to the 3 Secretary of State.</p> <p>4 SEN. ZAFFIRINI: To the Secretary of 5 State.</p> <p>6 Do you worry at all, Senator, and I 7 know -- I believe it was Senator Davis who asked this 8 question earlier: Do you worry at all about people who 9 don't look like their driver's licenses at all?</p> <p>10 SEN. FRASER: I'm sorry. I -- there's so 11 many things to worry about in life, that's -- you know, 12 the -- the question you're asking, I think, is covered 13 by the Secretary of State, and I believe they would make 14 a determination.</p> <p>15 SEN. ZAFFIRINI: Well, Senator Fraser, I 16 have distributed Exhibit 4. Would you take a good look 17 at that, please?</p> <p>18 And, Members, I ask you to please look at 19 my Exhibit 4 and look at the photograph of this driver's 20 license. Has anyone of you ever seen this person 21 before? He looks familiar?</p> <p>22 SEN. FRASER: Yes.</p> <p>23 SEN. ZAFFIRINI: Can you identify this 24 person? I'd like to ask this person to stand.</p> <p>25 (Unidentified person stands)</p>	<p style="text-align: right;">232</p> <p>1 those pictures, so what would happen?</p> <p>2 My next question, Senator Fraser, focuses 3 on Exhibit 5.</p> <p>4 And, Members, you have a copy of 5 Exhibit 5.</p> <p>6 And it is a letter directed to me from 7 Spencer Overton, professor of law from George Washington 8 University. And basically, I received this letter from 9 Professor Overton today, and it directly addresses 10 Senate Bill 14's inconsistency with the Carter-Baker 11 Commission.</p> <p>12 Specifically, the letter states that 13 Professor Overton wrote this letter to, quote, Refute 14 claims that Senate Bill 14 is consistent with the 15 recommendations of the Carter-Baker Commission. And 16 according to Professor Overton, quote, The Commissioners 17 recommended requiring photo ID of voters only if state's 18 assumed the responsibility to seek out citizens and 19 provide them with an ID free of charge, if states assume 20 the responsibility to seek out unregistered citizens and 21 register them and automatically update the registration 22 of citizens when they move, and if states allow citizens 23 without a photo ID to vote by signing an affidavit under 24 penalty of perjury for the first two federal elections 25 following adoption of the photo ID.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000114

JA_000113

TX_00000114

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">233</p> <p>1 Now, Senator Fraser, this bill does not 2 meet any of these criteria. Is that correct? Under 3 your bill, the state would not assume any of these 4 responsibilities?</p> <p>5 SEN. FRASER: Not advised.</p> <p>6 SEN. ZAFFIRINI: Well, I assure you, 7 Senator, that it does not. But Professor --</p> <p>8 SEN. FRASER: I disagree.</p> <p>9 SEN. ZAFFIRINI: Could you show me it 10 does, where in your bill it would allow this?</p> <p>11 SEN. FRASER: I'm not advised. This -- 12 there's been no representation made that we are modeling 13 this bill after the -- the Carter-Baker recommendations. 14 This bill is moving forward as a bill that when someone 15 votes, they will present an ID to show they are who they 16 say they are. The bill that I'm passing we think will 17 be approved by the Supreme Court and will be approved by 18 Department of Justice.</p> <p>19 SEN. ZAFFIRINI: Well, then, let me ask 20 you a question. Where in your bill does it specify that 21 the state would assume the responsibility to seek out 22 citizens and provide them with an ID free of charge?</p> <p>23 SEN. FRASER: I would think it would be 24 your responsibility to show in the bill, you know, 25 your -- the bill speaks for itself.</p>	<p style="text-align: right;">235</p> <p>1 have, Members, Professor Overton states that, quote, 2 Even President Carter and Secretary Baker rejected the 3 strict photo ID requirement initially adopted in Georgia 4 after concluding it was discriminatory because it was 5 costly or difficult for poor Georgians to obtain the 6 identification for voting, unquote. But according to 7 Professor Overton, quote, It devotes insufficient 8 resources to address the burdens it would impose on 9 Texas voters who lack photo ID.</p> <p>10 SEN. FRASER: That is absolutely 11 incorrect. The original observation -- the bill that 12 was filed in Georgia was changed, and the bill that 13 originally -- that is in law now, that was not their 14 observation. And that was written in 2005. The bill 15 was replaced 2008. That was not their observation.</p> <p>16 SEN. ZAFFIRINI: Well --</p> <p>17 SEN. FRASER: That it was -- I saw that 18 comment made in a 2005 comment, but you're also making 19 sure you don't take it out of context. And the -- the 20 law that had been passed by Georgia was revisited. They 21 passed a different law, and then that law was -- that 22 bill was precleared by Department of Justice.</p> <p>23 SEN. ZAFFIRINI: But it still required --</p> <p>24 SEN. FRASER: So the bill he's --</p> <p>25 SEN. ZAFFIRINI: -- photo ID.</p>
<p style="text-align: right;">234</p> <p>1 SEN. ZAFFIRINI: So you can't tell me if 2 your bill does that?</p> <p>3 SEN. FRASER: The bill speaks for itself. 4 The language of the bill is very clear as to what the -- 5 the issues we're addressing.</p> <p>6 SEN. ZAFFIRINI: Okay. Do you know, 7 Senator Fraser, if this -- under your bill, the state 8 would assume the responsibility to seek out unregistered 9 citizens and to register them and automatically update 10 the registration of citizens when they move?</p> <p>11 SEN. FRASER: I don't believe that is 12 covered in my bill.</p> <p>13 SEN. ZAFFIRINI: It is not.</p> <p>14 And do you know, Senator Fraser, if your 15 bill -- under your bill, the state would allow citizens 16 without a photo ID to vote by signing an affidavit under 17 penalty of perjury for the first two federal elections 18 following adoption of the photo ID bill?</p> <p>19 SEN. FRASER: Every person that votes will 20 be required to have a photo ID.</p> <p>21 SEN. ZAFFIRINI: Well, basically, it seems 22 to me, my analysis is that Senate Bill 14, as 23 introduced, does not meet these specifications of the 24 Carter-Baker Commission.</p> <p>25 And what's more, in this letter that you</p>	<p style="text-align: right;">236</p> <p>1 SEN. FRASER: -- addressing is not law -- 2 current law in Georgia.</p> <p>3 SEN. ZAFFIRINI: But the Georgia law still 4 requires a photo ID.</p> <p>5 SEN. FRASER: Yes, it does.</p> <p>6 SEN. ZAFFIRINI: It does.</p> <p>7 And finally, Professor Overton closes with 8 his statement that the current proposal for a photo ID 9 law in Texas is inconsistent with the recommendations of 10 the Carter-Baker Commission.</p> <p>11 SEN. FRASER: I disagree with that.</p> <p>12 SEN. ZAFFIRINI: Why, Senator?</p> <p>13 SEN. FRASER: I just disagree with that.</p> <p>14 SEN. ZAFFIRINI: Are there any specific 15 points that you disagree with that he made or that I 16 quoted in his letter?</p> <p>17 SEN. FRASER: I'm -- you know, the letter 18 that you're laying out is -- the first time I've seen it 19 is just then. We're -- our bill is not -- we're not 20 trying to model it after that, but the Carter-Baker 21 Commission very clearly recommended a photo ID.</p> <p>22 SEN. ZAFFIRINI: Well, Senator, the reason 23 that we asked for this letter, we followed up on your 24 early statement when you laid out the bill. And you 25 referred to the Carter-Baker Commission, and it was</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000115

JA_000114

TX_00000115

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">237</p> <p>1 based on your statement that we followed up and did this 2 immediate research and got this letter written to us.</p> <p>3 SEN. FRASER: Will you show me where I 4 referred to it in my opening statement?</p> <p>5 SEN. ZAFFIRINI: Well, I don't have the 6 transcript yet; but as I recall, you referred to it in 7 your opening statement.</p> <p>8 SEN. FRASER: Do you want me to read what 9 I said again from the opening statement?</p> <p>10 SEN. ZAFFIRINI: Yes, would you?</p> <p>11 SEN. FRASER: I read two --</p> <p>12 SEN. ZAFFIRINI: Your copy to the -- your 13 reference to the Carter-Baker Commission report.</p> <p>14 SEN. FRASER: I said, "The Carter-Baker 15 Commission reaffirms the dangers. Elections are at the 16 hard democracy. Americans are losing confidence in the 17 fairness of elections, and while we do not face a crisis 18 today, we need to address the problems of our electoral 19 system. At the end of the day, there's considerable 20 national evidence of in-person fraud; and regardless of 21 whether one believes that voter impersonation is 22 widespread or relatively rare, there can be no serious 23 dispute that -- that real effect can be substantial 24 because in a close election, even a small amount of 25 fraud could take -- be the margin of difference."</p>	<p style="text-align: right;">239</p> <p>1 SEN. FRASER: But you -- you said that you 2 responded -- that you requested it after I made the 3 statement in my --</p> <p>4 SEN. ZAFFIRINI: I requested --</p> <p>5 SEN. FRASER: -- opening comments.</p> <p>6 SEN. ZAFFIRINI: I requested this 7 information based on your opening statement, and I 8 received this letter today. That's correct. Okay?</p> <p>9 Thank you very much, Senator. I 10 appreciate, as I said, your courtesy and your patience.</p> <p>11 SEN. FRASER: Thank you.</p> <p>12 CHAIRMAN DUNCAN: Members, we've been 13 going for a while, and I think it would be -- we're kind 14 of at a -- maybe getting close to a breaking point. Why 15 don't we go ahead and take a ten-minute break and then 16 reconvene, give the court reporter and staff a minute or 17 two to rest. So a time certain, we'll stand at ease 18 until 2:30.</p> <p>19 (Recess: 2:21 p.m. to 2:34 p.m.)</p> <p>20 CHAIRMAN DUNCAN: Senate Committee of the 21 Whole will come back to order. Senator Hinojosa?</p> <p>22 SEN. HINOJOSA: Thank you, Mr. Chairman.</p> <p>23 Senator Fraser?</p> <p>24 SEN. FRASER: These are actually pretty 25 good.</p>
<p style="text-align: right;">238</p> <p>1 SEN. ZAFFIRINI: Well, sir.</p> <p>2 SEN. FRASER: That was a quote that was 3 made. It was -- it was used not only there, but it is 4 also used later in the Supreme Court decision.</p> <p>5 SEN. ZAFFIRINI: Right. And, Senator 6 Fraser, it is because I was surprised at that statement 7 that we followed up, and it seems that that is in the 8 report. But there is other information in addition to 9 that, so I could turn around and say, "Well, are you 10 taking it out of context?" I won't raise that question 11 as a courtesy, but I could raise it.</p> <p>12 But on the other hand, what I want to make 13 very clear is that the reason we followed up was that 14 you made this opening statement.</p> <p>15 SEN. FRASER: Your letter is dated January 16 the 24th. I made the statement this morning. Was -- 17 did I make the statement, and then he -- he wrote the 18 letter and sent it to you today?</p> <p>19 SEN. ZAFFIRINI: Well, I requested it 20 today, so that's perhaps a typo because we received it 21 today. Let me check. We received it -- we received it 22 this morning.</p> <p>23 SEN. FRASER: Before I made the statement?</p> <p>24 SEN. ZAFFIRINI: It should be 25 January 25th.</p>	<p style="text-align: right;">240</p> <p>1 SEN. HINOJOSA: Can you hear me?</p> <p>2 SEN. FRASER: Yes, this is -- these are 3 much better. Yes, I do. I can hear you.</p> <p>4 SEN. HINOJOSA: I just have a few 5 questions that I'd like to follow up on.</p> <p>6 Do you know how many people are registered 7 to vote here in the state of Texas?</p> <p>8 SEN. FRASER: Oh, I do -- I'm sorry, I do 9 not know.</p> <p>10 SEN. HINOJOSA: Approximately, 13 million.</p> <p>11 SEN. FRASER: Okay. 13, yeah. Okay.</p> <p>12 SEN. HINOJOSA: Yeah. And do you know how 13 many voted in the last election?</p> <p>14 SEN. FRASER: No, I'm not advised on that 15 either. I'm sorry.</p> <p>16 SEN. HINOJOSA: Close to 5 million voters 17 voted this last election. And do you know how many 18 people were arrested or prosecuted or indicted for 19 trying to use somebody else's voter registration card?</p> <p>20 SEN. FRASER: I'm sorry, not -- no, I do 21 not have that number.</p> <p>22 SEN. HINOJOSA: None?</p> <p>23 SEN. FRASER: I don't -- I don't have the 24 number, I'm sorry. I'm not advised.</p> <p>25 SEN. HINOJOSA: Well, do you have any</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000116

JA_000115

TX_00000116

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 evidence?</p> <p>2 SEN. FRASER: I'm sorry?</p> <p>3 SEN. HINOJOSA: Do you have any evidence?</p> <p>4 SEN. FRASER: Evidence?</p> <p>5 SEN. HINOJOSA: Yeah, evidence to support</p> <p>6 your bill about voter fraud when they go to vote?</p> <p>7 SEN. FRASER: Senator, you know the thing</p> <p>8 that we're trying to address here is that, as you know,</p> <p>9 it's virtually impossible to detect voter fraud because</p> <p>10 our current law makes it impossible not only to -- to</p> <p>11 verify that they're voting illegally, but even if you</p> <p>12 catch them, we don't have the ability to stop them from</p> <p>13 voting. So the -- the ability to stop someone today</p> <p>14 voting illegally is almost impossible in Texas. That's</p> <p>15 the thing that I'm trying to address with my bill, is</p> <p>16 that we believe if we make them show a voter ID, then we</p> <p>17 will know that they are who they represent themselves to</p> <p>18 be.</p> <p>19 SEN. HINOJOSA: Actually, Senator Fraser,</p> <p>20 back home, most of the election judges know who the</p> <p>21 voters are in their precincts.</p> <p>22 SEN. FRASER: Well, that's interesting.</p> <p>23 Back home, in the area you're from, most of the -- or a</p> <p>24 lot of the stories that I've seen reported to the</p> <p>25 media -- and actually, you've got two voter registrars</p>	<p>241</p> <p>1 SEN. HINOJOSA: Well, if you look at</p> <p>2 3 million people who are going -- who will be kept from</p> <p>3 voting as compared to you cannot show anybody getting</p> <p>4 prosecuted -- getting prosecuted and convicted voter</p> <p>5 fraud, that's one big difference, one big price to pay</p> <p>6 for a bill that you don't have any evidence to support</p> <p>7 there's voter fraud.</p> <p>8 SEN. FRASER: One second, Senator. My --</p> <p>9 my iPhone is interfering with my microphone.</p> <p>10 The 3 million number, where do you get</p> <p>11 that?</p> <p>12 SEN. HINOJOSA: That's the estimate by the</p> <p>13 Carter-Baker Commission on federal election reform that</p> <p>14 here in Texas --</p> <p>15 SEN. FRASER: Can you -- can you show me</p> <p>16 where it says in that Commission report? I don't</p> <p>17 remember.</p> <p>18 SEN. HINOJOSA: Yes, sir, it's a letter</p> <p>19 dated January 24th, 2011, from Professor Spencer Overton</p> <p>20 addressed to Senator Judy Zaffirini where he states that</p> <p>21 approximately 3 million Texas voters do not have photo</p> <p>22 ID.</p> <p>23 SEN. FRASER: Senator, that is --</p> <p>24 (Simultaneous speaking)</p> <p>25 SEN. FRASER: -- pure speculation by that</p>
<p>242</p> <p>1 through your area that have endorsed this concept</p> <p>2 because they are -- they are having a problem with voter</p> <p>3 fraud, and I -- that actually -- I'm -- I'm responding</p> <p>4 to things I've read they've said in the media. But I</p> <p>5 believe there are numerous registrars that believe this</p> <p>6 is a -- a large problem.</p> <p>7 SEN. HINOJOSA: Well, I hear what you're</p> <p>8 saying, but I don't see any evidence. There's a lot of</p> <p>9 anecdote, a lot of rumors and guessing and speculation,</p> <p>10 which I don't think it's a way to make good public</p> <p>11 policy.</p> <p>12 Are you familiar with the Carter-Baker</p> <p>13 Commission on federal election reform?</p> <p>14 SEN. FRASER: Senator, what are you -- I'm</p> <p>15 sorry. What --</p> <p>16 SEN. HINOJOSA: Are you familiar with the</p> <p>17 Carter-Baker Commission on federal election reform?</p> <p>18 SEN. FRASER: Yes, I am.</p> <p>19 SEN. HINOJOSA: Okay. Are you aware that</p> <p>20 by putting a requirement of having a photo ID to be able</p> <p>21 to vote, that there are approximately 3 million</p> <p>22 registered voters in the state of Texas that do not have</p> <p>23 voter ID?</p> <p>24 SEN. FRASER: I don't know where you get</p> <p>25 that number.</p>	<p>242</p> <p>1 gentleman. He has nothing to base that on, and that is</p> <p>2 not in reference to the Carter-Baker report. That is a</p> <p>3 estimation by some, you know, political hack that --</p> <p>4 that y'all have asked to write a letter.</p> <p>5 SEN. HINOJOSA: Well, actually, I thought</p> <p>6 it was the opposite. I thought your side was pure</p> <p>7 speculation. Thank you.</p> <p>8 CHAIRMAN DUNCAN: The chair recognizes</p> <p>9 Senator Williams.</p> <p>10 SEN. WILLIAMS: Thank you, Mr. Chairman.</p> <p>11 Would Senator Fraser yield for some</p> <p>12 questions?</p> <p>13 SEN. FRASER: I will yield.</p> <p>14 SEN. WILLIAMS: Senator Fraser, there's</p> <p>15 several things that I wanted to clear up for the record.</p> <p>16 The first, I'd like to make a reference</p> <p>17 back to the Secretary of State has recently sent this</p> <p>18 letter -- she sent it over today -- that indicated that</p> <p>19 there would be probably \$2 million of the HAVA funds</p> <p>20 that would be available for voter education, to help</p> <p>21 fund the voter education efforts that we would have in</p> <p>22 connection with this bill. And it would be -- normally,</p> <p>23 it would be the Secretary of State's office who would</p> <p>24 develop what those problem programs are with taking into</p> <p>25 account our legislative intent about what we're trying</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000117

JA_000116

TX_00000117

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 to accomplish. Is that right?</p> <p>2 SEN. FRASER: Yes.</p> <p>3 SEN. WILLIAMS: The other thing that I wanted to correct, for the record, Senator Watson opined earlier that a lot of this funding for these items had been struck in the budget, and actually, I went back and pulled a copy of the budget. I had not looked at this part, and so there were some budget riders that had expired and that were no longer relevant in the current budget. Those were struck. And under Strategy B.1.4, under elections improvement, administer Federal Help America Vote Act, we actually have, it looks like, a total of about \$43 million over the next biennium that's been appropriated in the budget that Senator Ogden laid out for us earlier. So I just wanted to clear that up for the record because that's kind of been a moving target.</p> <p>18 Another question that I had for you was the -- I wanted to go back, if I could, and -- and just touch on what my understanding after hearing all this questioning that's gone on, what your -- the purpose of your bill is -- really is to deter and detect fraud in-person voter fraud at the polls. Is that correct?</p> <p>24 SEN. FRASER: That is correct.</p> <p>25 SEN. WILLIAMS: Okay. And has the United</p>	<p>245</p> <p>1 affect the outcome of a close election?</p> <p>2 SEN. FRASER: The answer is absolutely, yes, and it actually the -- it's even closer to home. Senator Jackson, when he was elected to the Texas House, ended up winning by seven votes.</p> <p>6 SEN. WILLIAMS: Landslide Jackson --</p> <p>7 SEN. FRASER: Landslide Jackson.</p> <p>8 SEN. WILLIAMS: -- I think they called him.</p> <p>10 SEN. FRASER: So if -- fraud, in an election like that, could have changed history.</p> <p>12 SEN. WILLIAMS: Senator Fraser, Senate Bill 14 provides safeguards to protect the reliability and integrity of our voting system, especially those in close elections like we've just talked about?</p> <p>16 SEN. FRASER: Yes.</p> <p>17 SEN. WILLIAMS: Okay. I believe in this Crawford v. Marion, on Page 10, the Supreme Court brief, they quoted -- the United States Supreme Court quoted the Carter-Baker report that has been referenced here. And in that report, their quote was, "There's no evidence of extensive fraud in the U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election. The electoral system cannot inspire public confidence if no safeguards exist</p>
<p>1 States Supreme Court -- I believe they've stated that it's been documented throughout our nation's history by respected historians and journalists, and they demonstrate not only that the risk of voter fraud is very real, but they could affect the outcome in a close election. Does Senate Bill 14 provide the kind of safeguard against that fraud that might be crucial in an election?</p> <p>9 SEN. FRASER: Yes, it does, Senator.</p> <p>10 SEN. WILLIAMS: Now, we've had some close elections, even in the Texas Legislature. I know over in the House right now, there is an election contest that's been -- for Senate, State House District 48. It's being contested. The last numbers that I saw from the Secretary of State showed that Donna Howard had won her seat by 12 votes, which amounts to .02 percent of all the votes cast in that race. And, of course, back in 2008, Linda Harper Brown up in Dallas County defeated her opponent by 19 votes, or .05 percent of the total votes cast in that race.</p> <p>21 Are those the kind of close elections you think that the Supreme Court might have been referencing when they said in Crawford 533 U.S. at 11-12 that it's -- the threat's not only real, but it's actually -- you know, it demonstrates it's not real, but it could</p>	<p>246</p> <p>1 to deter or detect fraud or to confirm the identity of voters. Photo identification cards currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important."</p> <p>5 Is that your understanding? Is Senate Bill 14 designed to inspire that public confidence in close elections like --</p> <p>8 SEN. FRASER: Yes, it is.</p> <p>9 SEN. WILLIAMS: -- we talked about?</p> <p>10 Senator Fraser, do you recall the testimony and exhibits that we provided in 2009 -- now it's been admitted earlier today as Exhibit 1 -- that detail the extensive voter fraud in Harris County and other areas of the state?</p> <p>15 SEN. FRASER: Yes, I'm very familiar with it.</p> <p>17 SEN. WILLIAMS: Okay. Senator, having listened to what I heard and just read a minute ago from the Carter-Baker Commission and the language that was adopted from them in the Supreme Court brief, are you aware of how difficult it is to not only to discover but to prosecute voter fraud?</p> <p>23 SEN. FRASER: Yes, it is very difficult.</p> <p>24 SEN. WILLIAMS: And having said that, do -- do you think that that's one of the reasons we</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000118

JA_000117

TX_00000118

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">249</p> <p>1 don't see many of these cases that are prosecuted 2 because if someone is voting deceptively as someone 3 else, it's going to be very difficult to discover that 4 if they're successful?</p> <p>5 SEN. FRASER: And that was recognized by 6 the U.S. Supreme Court in their decision.</p> <p>7 SEN. WILLIAMS: So are you offering Senate 8 Bill 14 as a tool for the state of Texas to detect and 9 deter this type of voter fraud and further inspire 10 confidence in our voters and the voting system, to make 11 sure that all Texans and all of our elections are 12 conducted with the upmost integrity and equity to all 13 Texans?</p> <p>14 SEN. FRASER: Absolutely. That would be 15 my reasoning.</p> <p>16 SEN. WILLIAMS: Okay. Couple of things 17 that I just think that it was important to get back into 18 the record again about what the Supreme Court actually 19 said in <i>Crawford v. Marion</i>; and all of this, of course, 20 was included in the record last time.</p> <p>21 I thought it was interesting that Justice 22 Stevens comments about this. He said first, the state 23 has an interest in deterring and detecting voter fraud. 24 They have a valid interest in participating in a 25 nationwide effort to improve and modernize the election</p>	<p style="text-align: right;">251</p> <p>1 the elderly, which we've had a big focus on here today, 2 of the inconvenience on elderly voters, people who are 3 age 65, don't they have an opportunity to use a mail-in 4 ballot and they completely bypass any restrictions that 5 your bill or inconveniences that it might cause them?</p> <p>6 SEN. FRASER: I'm actually surprised at 7 the percentage now of people that do mail in ballots. 8 That percentage continues to increase, and so someone 9 that did have a problem getting to the polls -- and, you 10 know, I gave the example last year of my -- my mother in 11 the retirement center, that she couldn't get to the -- 12 it was too much -- it's too hard for her to get to the 13 polls, but she voted by mail. And there's -- there are 14 people in that category, and we have that safeguard in 15 Texas.</p> <p>16 SEN. WILLIAMS: Well, and -- and I think 17 we all care about everyone being able to exercise their 18 constitutional right to vote, and along with the 19 provisions that you have for people that are 70 and over 20 plus the mail-in ballots and the fact that provisional 21 ballots can be cast and allow people with expired 22 licenses and that sort of thing the opportunity to prove 23 up who they are, don't you think that addresses many of 24 the concerns that have been raised here today?</p> <p>25 SEN. FRASER: Absolutely. They -- and</p>
<p style="text-align: right;">250</p> <p>1 procedures that have been criticized as antiquated and 2 inefficient, and the state, in that case, also argues 3 that it has a particular interest in preventing voter 4 fraud in response to a problem that is, in part, the 5 product of its own maladministration; namely, that in 6 the case -- in this case, Indiana's voter registration 7 roles included a large number of people who were either 8 deceased or no longer live in Indiana.</p> <p>9 Now, Senator Fraser, when I look back at 10 the record that we had introduced as Exhibit 1 today, 11 didn't that record include many, many instances where we 12 had people who were registered at fictitious addresses 13 who had been voting or people who were deceased? I 14 think my own brother came and testified that our 15 grandfather had voted for 62 years after his death, and 16 my grandmother had a very difficult time trying to get 17 him taken off the voter roles and, in fact, had not been 18 able to do so.</p> <p>19 SEN. FRASER: Yes, I'm -- I'm -- remember 20 that very well.</p> <p>21 SEN. WILLIAMS: Okay. And so, you know, 22 there's been a lot of talk about the burden on people, 23 and Senator Davis made some very compelling and 24 interesting remarks in her comments. But I would say 25 that, you know, wouldn't you think that especially for</p>	<p style="text-align: right;">252</p> <p>1 that was our intent, is that obviously, we want to make 2 sure everyone is afforded the -- the ability to vote, 3 and we think we have those provisions in place so that 4 all Texans, every Texan, will be allowed to vote.</p> <p>5 SEN. WILLIAMS: Well, I -- I think it's 6 also interesting, and you've noted several times today, 7 that so far as we could determine from our research, 8 there isn't a single voter in Indiana or Georgia who's 9 raised the issue that they've been disenfranchised since 10 those laws have been enacted. Is that true, to the best 11 of your knowledge?</p> <p>12 SEN. FRASER: To the best of my knowledge. 13 And we have asked that question repeatedly, and to the 14 best of our knowledge, we have -- not a single person 15 has come forward in either state.</p> <p>16 SEN. WILLIAMS: And I think it's -- you 17 know, when I look at the syllabus of the <i>Crawford v.</i> 18 <i>Marion County election board</i> case that went to the Texas 19 Supreme Court, they note in the syllabus that there's no 20 question about the legitimacy or importance of the 21 State's interest in counting only eligible votes. And I 22 think they go on to say that -- that requiring that and 23 the fact that the cards in the Indiana case, as we're 24 doing, they make those cards free. The inconvenience of 25 going -- of gathering the required documents, posing for</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000119

JA_000118

TX_00000119

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">253</p> <p>1 a photograph, does not qualify as a substantial burden 2 on most voters' right to vote or represent a significant 3 increase over the usual burdens of voting. And I think 4 that's interesting that that was noted.</p> <p>5 And those provisions that we have are 6 essentially -- in your bill, there are very similar 7 provisions with respect to those matters. Correct?</p> <p>8 SEN. FRASER: They -- yes, and I want to 9 clarify. The Crawford case went to the U.S. Supreme 10 Court, and those observations were made in the -- the 11 majority opinion.</p> <p>12 SEN. WILLIAMS: Now, they go on to say 13 that it's generally applicable, nondiscriminatory voting 14 regulation, it's universally applicable, it's imminently 15 reasonable because the burden of acquiring, possessing, 16 and showing a free photo identification is not a 17 significant increase over the usual voting burdens, and 18 the State's interest are sufficient to sustain whatever 19 those minimal burdens are.</p> <p>20 So we know there's some inconvenience, but 21 we've done everything we can to make that inconvenience 22 as insignificant as possible. Is that --</p> <p>23 SEN. FRASER: I will actually go with that 24 in the -- the Crawford/Indiana case.</p> <p>25 SEN. WILLIAMS: Just in closing, in my</p>	<p style="text-align: right;">255</p> <p>1 A lot of talk about fiscal notes, even though we have a 2 letter from the Secretary of State that states that 3 there are going to be HAVA funds that will be available 4 to help with the voter education, and I think we're 5 going to have testimony in a few moments.</p> <p>6 And I tried to clarify that early on that 7 the cost of issuing for the state these free ID cards is 8 less than \$2. It's a very minimal cost, and with almost 9 16 million people that we have who have a driver's 10 license or -- or an ID card now, it seems unlikely that 11 there's going to be a whole lot of people out of that 12 13 million that actually don't already have a driver's 13 license or a state ID card.</p> <p>14 In fact, Senator Fraser, I spoke last 15 night with the Department of Public Safety and today 16 with the Secretary of State and just asked them if it 17 would be possible for us to target those voters who are 18 below age 65 and have -- don't have an ID card, a 19 driver's license or an ID card issued by the state; and 20 they said, yes, it would be possible for us to direct 21 our voter education to those people specifically so that 22 we could step it up and let them know before your bill 23 takes effect -- not till, when, in January? Is that -- 24 am I remembering that correctly?</p> <p>25 SEN. FRASER: January, 2012.</p>
<p style="text-align: right;">254</p> <p>1 final comments as -- before we go to take testimony, I 2 just think that it's noteworthy to look back at what the 3 opponents of this legislation have said on the floor 4 thus far today, and what I've heard is very little 5 debate about the actual content of your legislation. 6 And I think that speaks to the fact that it's 7 unequivocally a good idea that people ought to be able 8 to be positively identified as who they say they are 9 when they come to vote.</p> <p>10 What I've heard today is a lot of talk 11 about procedures, even though what we're doing is very 12 normal for a Committee of the Whole, and it's the same 13 procedure that we used the last session when we 14 considered this. Is that correct, Senator Fraser?</p> <p>15 SEN. FRASER: It is, and I think it's very 16 difficult for a member to argue the merits of the bill 17 when it's so straightforward when you ask someone in 18 their district do they think that someone should -- 19 should have -- be required to show a photo ID when they 20 vote, that you've got near 90 percent of the population 21 across the state of Texas. Again, every one of these 22 members, it's hard to argue of the merits -- argue the 23 merits of the bill.</p> <p>24 SEN. WILLIAMS: Yeah, the other thing that 25 I've heard that I think is interesting is fiscal notes.</p>	<p style="text-align: right;">256</p> <p>1 SEN. WILLIAMS: So a year from now. So 2 we've got a lot of time to let these people know what's 3 coming.</p> <p>4 And then the other thing I've heard a lot 5 about is current law, and, you know, there's been a lot 6 of discussion. In fact, a lot of what we've talked 7 about is what's actually on the books right now, and 8 your bill is not touching any of that top side or 9 bottom. Really, most of what you do is very limited by 10 changing what the requirements are when you come to the 11 polls. Is that correct? There's not any other real 12 substantive change to election law here.</p> <p>13 SEN. FRASER: We're only addressing the -- 14 the actual in-person voting and the identification 15 required when somebody votes in person. We're not 16 addressing mail-in ballots or any of the other 17 provisions. It's just that one section.</p> <p>18 SEN. WILLIAMS: Well, thank you for 19 allowing me to question you about this and I appreciate 20 you bringing this issue before us and I especially 21 appreciate the fortitude that you've shown during this 22 long debate. Thank you.</p> <p>23 SEN. FRASER: Thank you, Senator.</p> <p>24 CHAIRMAN DUNCAN: Chair recognizes Senator 25 Shapiro.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000120

JA_000119

TX_00000120

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">257</p> <p>1 SEN. SHAPIRO: Thank you, Mr. Chairman. 2 I would just like to ask one question 3 because we're getting mixed signals, and I just want to 4 make sure. It's just going to take a yes-or-no answer, 5 and I think that will be the easiest.</p> <p>6 In Section 7 of your bill, which is 7 actually on Page 5, the requirements for identification 8 prescribed for people who do not have to have a vote -- 9 a photo ID, where it references their age, does the bill 10 require that people 70 or older present a voter 11 registration card and that they be at least 70 years of 12 age on January 1st, 2012?</p> <p>13 SEN. FRASER: My understanding and this 14 is, again, something probably the Secretary of State 15 will address, but I believe your age is -- is on the 16 card. So if someone is 70 on January 1, 2012, they will 17 not be asked to show a photo ID.</p> <p>18 SEN. SHAPIRO: Okay. And this is 19 something that the Secretary of State has put into this 20 bill?</p> <p>21 SEN. FRASER: No. No, I --</p> <p>22 SEN. SHAPIRO: This is something that you 23 have --</p> <p>24 SEN. FRASER: -- inserted it into the 25 bill. It'd be your interpretation --</p>	<p style="text-align: right;">259</p> <p>1 SEN. FRASER: Okay. 2 CHAIRMAN DUNCAN: Chair recognizes Senator 3 Huffman.</p> <p>4 SEN. HUFFMAN: Thank you, Mr. Chairman. 5 Senator Fraser, will you yield for a 6 couple of questions?</p> <p>7 SEN. FRASER: I would love to yield. 8 SEN. HUFFMAN: Thank you, sir. I'd like 9 to commend you, too, for a long day of answering a lot 10 of tough questions.</p> <p>11 SEN. FRASER: Thank you.</p> <p>12 SEN. HUFFMAN: But I think it's important, 13 as we kind of wrap this part of the procedures up today, 14 that -- that we circle back to -- to the idea and the 15 concept that -- that we got here today. But there is a 16 line of Supreme Court cases that have brought us here. 17 Would you agree with that?</p> <p>18 SEN. FRASER: Yes.</p> <p>19 SEN. HUFFMAN: And certainly, the Crawford 20 v. Marion case gives us guidance on how to do what we're 21 doing here today properly. Would you agree --</p> <p>22 SEN. FRASER: I think that's the one --</p> <p>23 SEN. HUFFMAN: -- with that?</p> <p>24 SEN. FRASER: -- was referenced, I think, 25 in the Indiana case, I believe.</p>
<p style="text-align: right;">258</p> <p>1 SEN. SHAPIRO: I got you.</p> <p>2 SEN. FRASER: -- to -- to make sure --</p> <p>3 SEN. SHAPIRO: Identify whether it's at 4 hand?</p> <p>5 SEN. FRASER: -- that they can identify 6 themselves --</p> <p>7 SEN. SHAPIRO: Okay.</p> <p>8 SEN. FRASER: -- but it's not intended 9 that they would -- I believe they're --</p> <p>10 SEN. SHAPIRO: Separate.</p> <p>11 SEN. FRASER: Yes.</p> <p>12 SEN. SHAPIRO: It's not intended to be 13 separate. It's intended --</p> <p>14 SEN. FRASER: No.</p> <p>15 SEN. SHAPIRO: -- to be the same document.</p> <p>16 SEN. FRASER: Yes, as long as they're --</p> <p>17 SEN. SHAPIRO: Okay.</p> <p>18 SEN. FRASER: -- you know, 70 on 19 January 1, 2012.</p> <p>20 SEN. SHAPIRO: And the date of birth is on 21 our current voter registration card?</p> <p>22 SEN. FRASER: You need to ask that of the 23 Secretary of State.</p> <p>24 SEN. SHAPIRO: Okay. And my recollection 25 is it is. Thank you.</p>	<p style="text-align: right;">260</p> <p>1 SEN. HUFFMAN: Okay.</p> <p>2 SEN. FRASER: And that's yes.</p> <p>3 SEN. HUFFMAN: And did you, as you sat 4 down with your staff and so forth in, you know, 5 pre-session, in the interim, and you started thinking 6 about this bill and so forth, did you and your staff 7 take into consideration Crawford v. Marion and try to 8 follow the law and the rules the Supreme Court has laid 9 out for us?</p> <p>10 SEN. FRASER: Yes, without a doubt.</p> <p>11 That's already been approved by the Supreme Court, and 12 obviously, we wanted to make sure we stayed within those 13 parameters.</p> <p>14 SEN. HUFFMAN: All right. Now, you know, 15 the Supreme Court, I think -- we know that the Supreme 16 Court has told us that there is a balancing test, and we 17 understand that the right to vote is sacred. And so we 18 know that the law tells us that if there is a burden 19 placed upon a voter, that they're going to look very 20 carefully at that; and it's going to have weight, but 21 it's going to be balanced against legitimate state 22 interest. And so I think what we need to explore, just 23 briefly, is that, in fact, we -- we have legitimate 24 state interest. The state of Texas has an interest to 25 make sure that our elections are done with -- well, as</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000121

JA_000120

TX_00000121

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 perfect as we can get them but with integrity, right, 2 and with voter confidence.</p> <p>3 So as you prepared the bill and as you 4 look at the bill -- and the Supreme Court has told us 5 that there are legitimate interests, and they define 6 those for us. So as you prepared the bill and you look 7 at Senate Bill 14 today, do you think that it addresses 8 the relevant and legitimate concerns of deterring and 9 detecting voter fraud? And I know you've been asked 10 this question a lot.</p> <p>11 SEN. FRASER: Absolutely.</p> <p>12 SEN. HUFFMAN: Right. Do you think that 13 it -- that it's important in that the bill will help to 14 improve and modernize the election procedures of Texas?</p> <p>15 SEN. FRASER: Yes.</p> <p>16 SEN. HUFFMAN: Do you think that there's a 17 larger scheme nationwide through the Help America Vote 18 Act and the National Voter Registration -- Registration 19 Act to do just that, to make elections come up to modern 20 times?</p> <p>21 SEN. FRASER: Absolutely.</p> <p>22 SEN. HUFFMAN: Do you think that Senate 23 Bill 14 will help to prevent voter fraud and actually 24 help to ensure that only the votes of eligible Texas 25 voters are counted in these crucial elections that</p>	<p>261</p> <p>1 presents and moves forward our legitimate interest in 2 Texas as it regards voting?</p> <p>3 SEN. FRASER: Without a doubt.</p> <p>4 SEN. HUFFMAN: All right.</p> <p>5 SEN. FRASER: We believe it does.</p> <p>6 SEN. HUFFMAN: Thank you very much, 7 Senator Fraser.</p> <p>8 SEN. FRASER: Thank you, Senator.</p> <p>9 SEN. HUFFMAN: Thank you.</p> <p>10 CHAIRMAN DUNCAN: Chair recognizes Senator 11 Wentworth.</p> <p>12 SEN. WENTWORTH: Thank you, Mr. Chairman. 13 Will the gentleman yield?</p> <p>14 SEN. FRASER: I will yield.</p> <p>15 SEN. WENTWORTH: Senator, I want to 16 compliment you on your long hours of being on your feet 17 in responding to these questions. I just wanted to 18 touch on a couple of things.</p> <p>19 One is we had -- we had some testimony 20 here two years ago on a very similar bill, and I just 21 wanted -- since it's been raised earlier today, the 22 issue about whether or not maybe passage of this bill 23 would reduce voter participation. There are only a 24 couple of other states, Indiana and Georgia, where these 25 sorts of bills have been passed. One of the witnesses</p>
<p>262</p> <p>1 happen in the state of Texas?</p> <p>2 SEN. FRASER: That is our intent, and we 3 believe the bill does that.</p> <p>4 SEN. HUFFMAN: And do you believe that 5 once we have established these safeguards, that the 6 voters will feel more confident about their vote being 7 counted and only the votes of registered Texans who can 8 vote to be counted?</p> <p>9 SEN. FRASER: Yes, that is our belief.</p> <p>10 SEN. HUFFMAN: Do you think that once 11 that's established, that it will actually encourage the 12 democratic process and that it will encourage more 13 voters to go to the polls?</p> <p>14 SEN. FRASER: The thing we've seen in 15 other states that have implemented photo ID, the -- the 16 voter turnout actually increased. And so, yes, we 17 believe the confidence in the voters will increase, and 18 we believe it will actually increase the voting 19 percentages.</p> <p>20 SEN. HUFFMAN: Now, we've heard comments 21 today from many senators, Senator Whitmire, Senator 22 Davis, Senator Uresti, about hypothetical burdens that 23 may be placed on some hypothetical voter. But taking 24 that into account and looking at and trying to balance 25 it, do you feel like we have a bill here that -- that</p>	<p>264</p> <p>1 in March of '09 said to us: Not only does voter ID help 2 prevent fraudulent voting, but where it has been 3 implemented, it has not reduced turnout. There is no 4 evidence that voter ID decreases the turnout of voters 5 or has a disparate impact on minority voters, the poor, 6 or the elderly. The overwhelming majority of Americans 7 have photo ID or can easily obtain one.</p> <p>8 Now, this is in the record from the 2009 9 hearing, which we've already adopted, but I just wanted 10 to recall some of the testimony that we had.</p> <p>11 Another quote was: Recent election 12 results in Georgia and Indiana also confirmed that the 13 suppositions that voter ID will hurt minority turnout 14 are incorrect.</p> <p>15 In addition -- and I'm not sure whether 16 this was part of the record in '09, but there is a study 17 of Indiana's photo ID law that was conducted by a 18 University of Missouri professor. He found that 19 requiring identification doesn't have much impact on 20 voter turnout rates. His name is Jeffery Milyo. He's 21 professor of economics and public affairs at the 22 University of Missouri, a part of the Institute of 23 Public Policy of the Harry S. Truman School of Public 24 Affairs.</p> <p>25 And his conclusion is -- if I can find it</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000122

JA_000121

TX_00000122

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">265</p> <p>1 quickly -- it's a many-page study, and his conclusion is 2 that the findings that emerge from his analysis are that 3 photo ID is associated with an overall county level 4 turnout increase of almost 2 percentage points -- and 5 this is just in Indiana. This isn't Georgia as well -- 6 an insignificant increase in relative turnout for 7 counties with a greater percentage of minority and poor 8 population; no consistent or significant impact on 9 relative turnout in counties with a greater percentage 10 of less educated or elderly voters; and finally, a 11 significant relative increase in turnout for counties 12 with a higher percentage of Democrat voters.</p> <p>13 I was just wondering if you remembered 14 those things that were testified to two years ago or 15 whether you were familiar with this university 16 professor's study.</p> <p>17 SEN. FRASER: Thank you for bringing that 18 forward. It -- yes, I -- now, as you mention it, I do 19 remember it. The other thing that comes to mind that 20 was through the testimony two years ago is in the '09 -- 21 I'm sorry -- the '08 president election for '09, that 22 even though the president was from Illinois, the 23 adjoining state, Indiana, had doubled the increase of 24 voting next door in the state -- in Indiana where they 25 had put in photo ID. Illinois did not have it, but the</p>	<p style="text-align: right;">267</p> <p>1 had -- Senator Davis had a chart that -- excuse me. 2 SEN. VAN de PUTTE: Mr. Chairman, do -- I 3 move to add to Exhibit 6 the counties with Department of 4 Public Safety Driver's License Office Closures prepared 5 by legislative counsel.</p> <p>6 CHAIRMAN DUNCAN: Okay. Thank you. That 7 will be received in the record.</p> <p>8 Senator Davis, you had an exhibit that you 9 wanted to offer.</p> <p>10 SEN. DAVIS: Yes, Mr. Chair. I'd like to 11 add that as -- I guess it would be Exhibit No. 7 to the 12 record.</p> <p>13 CHAIRMAN DUNCAN: And I think we have 14 copies to distribute to the Members? Would you describe 15 it, please?</p> <p>16 SEN. DAVIS: Yes, I'm sorry. It's the 17 chart that I displayed and talked about earlier in my 18 questions of Senator Fraser. It's exact -- an exact 19 replica of the chart that was displayed on the Senate 20 floor.</p> <p>21 CHAIRMAN DUNCAN: It has a -- it's a 22 graphic that has a -- at the top, a title that says, 23 "DL/State ID." Okay. Exhibit 7 will be received in the 24 record.</p> <p>25 SEN. DAVIS: Thank you.</p>
<p style="text-align: right;">266</p> <p>1 increase was double the amount of increase next door. 2 So it certainly didn't show that they were hurt by the 3 implementation of the --</p> <p>4 SEN. WENTWORTH: Where Indiana has a photo 5 ID law --</p> <p>6 SEN. FRASER: Illinois does not.</p> <p>7 SEN. WENTWORTH: Thank you very much, 8 Senator.</p> <p>9 SEN. FRASER: Thank you, Senator.</p> <p>10 CHAIRMAN DUNCAN: Okay. Members, we 11 have -- that completes all of the Members who want to 12 ask questions of the author. You can sit down for a 13 second, Senator, if you want to. Take a rest.</p> <p>14 We have a little bit of housecleaning. 15 There's a few witnesses that -- or a few exhibits that 16 may want to go in that we have now made copies of. I 17 think, Senator Van de Putte, you had -- Senator 18 Zaffirini had Exhibit 6 which was a map of the DPS, and 19 we've now had that copied and available to distribute. 20 Do you want to go ahead and offer it into the record?</p> <p>21 SEN. VAN de PUTTE: Yes, I will.</p> <p>22 CHAIRMAN DUNCAN: Okay. It'll be 23 received.</p> <p>24 (Exhibit No. 6 marked and admitted)</p> <p>25 CHAIRMAN DUNCAN: And then I believe we</p>	<p style="text-align: right;">268</p> <p>1 (Exhibit No. 7 marked and admitted)</p> <p>2 CHAIRMAN DUNCAN: Are there any other 3 exhibits that --</p> <p>4 SEN. FRASER: Mr. President?</p> <p>5 CHAIRMAN DUNCAN: -- were discussed that 6 we'd like to include? Senator Fraser?</p> <p>7 SEN. FRASER: And I had one that I 8 mentioned that I was going to enter in that I have not 9 yet. It is the Lighthouse Opinion Poll. This is the 10 most current poll that is taken and has a very good 11 breakout of not only across the state, the regions, but 12 also has a breakout, Republican, Democrat, and it breaks 13 out for the African American, Hispanic, and --</p> <p>14 CHAIRMAN DUNCAN: Do you have copies of 15 that to distribute?</p> <p>16 SEN. FRASER: I have one copy.</p> <p>17 CHAIRMAN DUNCAN: Okay. Well, Exhibit 8 18 will be received, but if you'll go ahead and get copies 19 so that we can distribute those at this time.</p> <p>20 (Exhibit No. 8 marked and admitted)</p> <p>21 SEN. GALLEGOS: Mr. President?</p> <p>22 CHAIRMAN DUNCAN: Senator Gallegos, for 23 what purpose?</p> <p>24 SEN. GALLEGOS: I have also some diagrams, 25 but I wasn't going to present them until the time of my</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000123

JA_000122

TX_00000123

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">269</p> <p>1 amendments. I mean, do they need to be entered now or 2 at the time of the amendment?</p> <p>3 CHAIRMAN DUNCAN: I don't see any problem 4 with entering them at the time when it's relevant to 5 what you're trying to do.</p> <p>6 SEN. GALLEGOS: Yeah.</p> <p>7 CHAIRMAN DUNCAN: You can put them in the 8 record at that time --</p> <p>9 SEN. GALLEGOS: Okay.</p> <p>10 CHAIRMAN DUNCAN: -- when we're --</p> <p>11 SEN. GALLEGOS: Then I'll wait till -- 12 till the time of the amendment. Thank you, 13 Mr. President.</p> <p>14 CHAIRMAN DUNCAN: All right. Members, the 15 next phase is the invited testimony.</p> <p>16 And Senator Van de Putte and Senator 17 Fraser, if you could come up to the -- make sure we've 18 got everybody in the right order.</p> <p>19 And while they're coming up, I want to 20 announce that it's my intention to -- we have about 21 17 -- last check, 17 registered witnesses for public 22 testimony, and I would like to accommodate those 23 witnesses, if we could. So remember that when you're 24 questioning and -- that we have some folks that would 25 like to testify here later on.</p>	<p style="text-align: right;">271</p> <p>1 have involved assisting with the implementation of 2 Indiana's photo ID law, including working with multiple 3 players in Indiana's election process, which is included 4 the Bureau of Motor Vehicles, county election boards, 5 poll workers, our Help America Vote Act, and support 6 agencies in coming up with the procedures and rules to 7 administer our photo ID law.</p> <p>8 I've also been responsible for statewide 9 monitoring of election day activity in elections in our 10 statewide and primary -- primary general elections in 11 2006, 2007, 2008, and 2010. I've reviewed every 12 complaint from the -- regarding voting submitted to the 13 Secretary of State, the Indiana Election Division, the 14 Indiana Election Commission, the Department of Justice, 15 our Help America Vote Act, and other county election 16 boards.</p> <p>17 I've also assisted the Indiana Attorney 18 General and the Indiana Solicitor General with the 19 discovery trials appeals and ultimately Supreme Court 20 review in the state courts and in the U.S. Supreme Court 21 of Indiana's photo ID law.</p> <p>22 Prior to the first statewide election in 23 Indiana under the photo ID law, there was no shortage of 24 organizations claiming that we smell a rat of some sort 25 and that the law has some illegal discriminatory effect</p>
<p style="text-align: right;">270</p> <p>1 All right. Members, let's go ahead and 2 move into the invited testimony.</p> <p>3 The first witness will be Jerry Bonnett, 4 general counsel, Indiana Secretary of State.</p> <p>5 Mr. Bonnett? Mr. Bonnett, you'll have ten minutes the 6 timer is right before you. You'll get a yellow light at 7 30 seconds, I think. And then we'll strictly hold you 8 to the time, and then open it to questions at that time. 9 You'll not be interrupted during your testimony.</p> <p>10 INVITED TESTIMONY</p> <p>11 TESTIMONY BY JERRY BONNETT</p> <p>12 MR. BONNETT: All right. Thank you, 13 Chairman Duncan. I want to thank Senator Fraser and 14 supporters of Senate Bill 14 for inviting me to be here 15 today.</p> <p>16 CHAIRMAN DUNCAN: Would you state your 17 name and --</p> <p>18 MR. BONNETT: Yes. My name is Jerry 19 Bonnett. I've served as general counsel for the Indiana 20 Secretary of State Todd Rokita from 2005 to the end of 21 2010 when he completed his second term in office. I am 22 currently serving as general counsel to Indiana's next 23 Secretary of State and chief election officer, the 24 Honorable Charles White.</p> <p>25 Since 2005, my duties as general counsel</p>	<p style="text-align: right;">272</p> <p>1 or political subtext. My job has been to look for 2 exactly any application of the law that was illegal or 3 overburdensome.</p> <p>4 Despite the intense scrutiny of the law 5 that has been locally -- local, state, national, and 6 even international, in my impression, Indiana has 7 been -- and our courts who have been very open to giving 8 a fair and complete hearing to anyone feeling aggrieved or 9 disenfranchised by our voter ID laws. In the five years 10 and eight statewide primary general elections I've been 11 involved with, there's been scant evidence of 12 disenfranchisement or discrimination in Indiana. If the 13 naysayers and conspiracy theorists and armchair social 14 scientists were correct in their prognostications, 15 Indiana would have experienced hundreds of thousands of 16 disenfranchised voters after the laws passed in 2005, 17 but hardly any group or individual or circumstance has 18 been found that has genuinely disenfranchised or 19 inconvenienced a voter beyond what the Supreme Court has 20 held to be the reasonable, orderly regulation of 21 elections.</p> <p>22 Did Indiana fix something that wasn't 23 broke? Was it a law in search of a crime? Admittedly, 24 there's been little evidence of in-person voter fraud in 25 Indiana, but that's been of little consolation to</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000124

JA_000123

TX_00000124

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>273</p> <p>1 citizens who have come to Secretary of State's office 2 with concerns about the confidence in our elections. 3 What Indiana has experienced were 4 manipulation of voter registrations with thousands of 5 voter registrations submitted just prior to the closing 6 of registration which have confounded the orderly 7 registration of voters. Indiana has experienced issues 8 with voter list maintenance where -- where partisan 9 activists have refused to update voter registration 10 lists, insisting the U.S. Department of Justice to 11 intervene and require voter list maintenance in Indiana. 12 Indiana has seen inconsistent agency-to-agency 13 cooperation in the sharing of information. There have 14 been times when the Social Security office was unable to 15 provide verifications of voter registrations, times when 16 other state agencies were not able to exchange 17 information that would assist in verifying voter 18 registrations.</p> <p>19 There have been reports of people in urban 20 areas being bussed around from poll location to poll 21 location. There is evidence, after the fact, of dead 22 voters having registered or of dead voters having voted. 23 There was also a report of a well-intentioned high 24 school civics teacher who was intent on having every 17 25 year old that came into her class register to vote and</p>	<p>275</p> <p>1 vote. In Indiana, voters can conform their voter 2 registration up through election day to the IDs that 3 they have.</p> <p>4 Other state agencies have reached out to 5 anyone identified who has been experiencing problems of 6 obtaining photo IDs. In Indiana, it's not a money 7 issue. And an ID is reviewed by social service agencies 8 in Indiana as key to other social services and other 9 benefits of citizenship, and there's been an interest in 10 working with individuals who had difficulty obtaining 11 photo ID. Also, in the Indiana Election Day Handbook, 12 in bold print, it says, on -- in several locations, that 13 lack of ID or problems with an ID is not a cause for 14 someone -- for a voter to be turned away.</p> <p>15 After five busy years of monitoring 16 primary general elections in Indiana, working with 17 deputies, reviewing complaints, I can say that Indiana's 18 photo ID law is not only constitutional as it is written 19 but as it has been applied in routine use -- is applied 20 and become routinely used in good faith and in -- and in 21 an accommodating matter in the state.</p> <p>22 Now, keeping to its principal and intent, 23 Indiana's law, subject to all manner of partisan, 24 nonpartisan, state, national scrutiny, has not been 25 applied with the rigid inflexibility and consequences</p>
<p>274</p> <p>1 every 18 year old vote even though there were some 2 students of hers who are not students -- who are not 3 U.S. citizens, but they were shamed into going through 4 the registration process and that resulted in illegal -- 5 an illegal vote being cast and also confounded those 6 students eventual efforts to become naturalized U.S. 7 citizens.</p> <p>8 In my position, I am in a position to say 9 that the law has not been applied -- has been applied in 10 the strict and unbending manner that the dissenters have 11 suggested.</p> <p>12 After the 2005 photo ID law was enacted 13 but before the first election was held, the Secretary of 14 State and the election division and interested groups 15 developed procedures to deal with the issue of the 16 conformity of names on an ID to voter registration 17 lists. Rules were developed that would allow for a 18 voter named Mary Ellen Smith to -- who might appear on 19 the voter registration in as many as ten different ways 20 to -- to proceed to vote.</p> <p>21 Also, Indiana -- rules were adopted by the 22 Election Division in Indiana so that if a voter had 23 married between the time of the voter registration, at 24 the polls on election day, they could update their voter 25 registration by signing the poll book and proceed to</p>	<p>276</p> <p>1 predicted by detractors. After exhaustive review in the 2 state and federal courts involving the application of 3 the law as applied -- instance of the law and in -- and 4 in Indiana's informed public opinion, Indiana photo ID 5 has earned broad acceptance, even from skeptics, as 6 become -- as having become integral component of voter 7 confidence and law that honors the privilege and the 8 dignity of American's right to free and equal 9 participation in elections.</p> <p>10 So I honor you for the difficult work 11 you're doing here today. I assure you that the work 12 won't be done if and when you pass Senate Bill 14. I 13 can certainly tell you that the sun came up in Indiana 14 after Indiana's photo ID was passed. It continued to 15 come up and continues to come up after each election 16 that we have. So I'm ready to address your questions, 17 please.</p> <p>18 CHAIRMAN DUNCAN: Thank you, Mr. Bonnett.</p> <p>19 So we'll have our first questions.</p> <p>20 Senator Van de Putte, you're recognized.</p> <p>21 QUESTIONS FROM SENATE FLOOR</p> <p>22 SEN. VAN de PUTTE: Thank you very much, 23 Mr. Chairman.</p> <p>24 And thank you very much, Mr. Bonnett, for 25 traveling from Indiana. I know on such short notice.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000125

JA_000124

TX_00000125

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">277</p> <p>1 We appreciate you being here to help us with your expert 2 testimony as we deliberate this very, very important 3 issue.</p> <p>4 I had a few questions that -- that I 5 wanted to ask because here in Texas, we looked at the 6 Indiana law, and we're looking toward -- this is -- as 7 our bill author has said, it's kind of a Texas bill, 8 which we think is more restrictive than yours. And we 9 have heard from testimony that there is increased 10 turnout, and you haven't found any instances in where 11 the burden of the new Indiana law was placed upon 12 anybody. And -- and I think in your testimony and in -- 13 said that it is working and even in your Supreme Court 14 case, no party or amicus cited -- well, of course, there 15 were no cases of impersonation at the polls in Indiana.</p> <p>16 So I have some confusion because in the 17 bill that you passed, we had reports in Marion County in 18 2007 that 32 vote -- voters cast ballots that could not 19 be counted because of the voter ID law, and I want to 20 ask you about them because just a couple of them really 21 bring to mind some difficulties, and yet you cited that 22 there were no problems.</p> <p>23 In South Bend, Indiana, ten retired nuns 24 were barred from voting in the 2008 Indiana democratic 25 primary. Some of them were in their 80s and 90s. They</p>	<p style="text-align: right;">279</p> <p>1 They did have a form of ID that was acceptable, but they 2 refused to present that. They were eligible for other 3 exceptions under the law, absentee voting exception, and 4 it was really a media event because the media had been 5 brought to the scene before. And they also refused to 6 go provisionally. I did not -- I believe they were 7 brought in a van to a polling location that was not -- 8 not, I understand, any time that they were voting at the 9 place that they lived.</p> <p>10 SEN. VAN de PUTTE: So --</p> <p>11 MR. BONNETT: That incident was -- seemed 12 to be discredited as a -- as a legitimate case of 13 disenfranchisement.</p> <p>14 SEN. VAN de PUTTE: So you're saying these 15 nuns organized in a -- in a fraudulent matter, that 16 these nuns all got together? But even though they're -- 17 from the report what was reported, they lived at the 18 convent, and they were all in their 80s and 90s. So I 19 don't know. You know, maybe they had passports, maybe 20 they didn't. But you're saying that this was 21 orchestrated by these devious nuns to actually prove up 22 Indiana law, and really, they intended to mess you up 23 purposefully or --</p> <p>24 MR. BONNETT: Yes, Your Honor.</p> <p>25 SEN. VAN de PUTTE: Oh, thank you.</p>
<p style="text-align: right;">278</p> <p>1 no longer had driver's license. They lived at the 2 convent, and the convent actually had the polling place 3 in their convent. The irony was that I believe in that 4 case, the election judges were actually other nuns who 5 lived with these nuns, but they were barred from casting 6 a ballot even though they had previously voted in at 7 least ten elections in Indiana but that these nuns were 8 not able to because they did not have an ID, even though 9 the election judges live with them. And so can you 10 comment? This was in the newspapers, but it was also in 11 Catholic Digest magazine and so wanted to know because 12 we heard --</p> <p>13 MR. BONNETT: I can't --</p> <p>14 SEN. VAN de PUTTE: -- that there were no 15 instances, yet we had these reports. And so could you 16 tell us? I mean, what happened to these nuns?</p> <p>17 MR. BONNETT: I can't speak to the -- the 18 Marion County voters that you referenced to, although I 19 think that was covered in the Indiana League of Women 20 Voters v. Rokita case that was heard by the Indiana 21 Supreme Court.</p> <p>22 In the case of the -- the -- the nuns, in 23 Northern Indiana, the -- it's my understanding and 24 that -- that situation was also discussed in -- in the 25 Crawford case -- the -- the nuns did have passports.</p>	<p style="text-align: right;">280</p> <p>1 (Laughter)</p> <p>2 SEN. VAN de PUTTE: Well, let me ask you 3 about another case. One of them was Lauren McCallick 4 who was an 18-year-old freshman at Saint Mary's College 5 in South Bend and who was not able to cast her ballot 6 that was due because of the law, and so that was one of 7 the cases that was there. And can you tell me about 8 her? Was she devious, as well, or was it orchestrated?</p> <p>9 I mean, from the reports and from what was 10 happened, she was crying and she -- it was the first 11 time that she was going to be able to vote, and she 12 tried to -- she did do a provisional ballot. But since 13 she couldn't get the documentation that she needed 14 within the time requirement, she didn't have a chance to 15 vote because she was in class and she couldn't go back 16 to her -- so can you tell me what happened to Ms. Lauren 17 McCallick in this case?</p> <p>18 MR. BONNETT: Unfortunately, I'm not 19 familiar with -- with that case.</p> <p>20 SEN. VAN de PUTTE: Oh.</p> <p>21 MR. BONNETT: So --</p> <p>22 SEN. VAN de PUTTE: Well, then what 23 happened in -- again, in Marion County, when we had some 24 senior citizens that weren't able to? Now, they weren't 25 devious nuns. These were seniors who were living in</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000126

JA_000125

TX_00000126

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">281</p> <p>1 a -- some sort of a -- it wasn't a senior assisted, but 2 it was some sort of a temporary, like rehab, where 3 people go after strokes or after a motor vehicle 4 accident, and that they weren't allowed. I mean, I can 5 understand your story about the nuns because, you know, 6 I'm a Catholic and sometimes they get really organized, 7 and they make their point. But what --</p> <p>8 MR. BONNETT: I am too.</p> <p>9 SEN. VAN de PUTTE: What -- what about the 10 people who were living in the -- again, in Marion 11 County, in a -- not their full residence --</p> <p>12 MR. BONNETT: Uh-huh.</p> <p>13 SEN. VAN de PUTTE: -- but for a certain 14 period of time because they had a disability, they had 15 had a stroke, and they were living in this. What 16 happened to those folks?</p> <p>17 MR. BONNETT: Well, and I don't know the 18 specifics without more information, but every -- every 19 reported case has been investigated and reviewed. The 20 state election division, the state social service 21 agencies, and Bureau of Motor Vehicles Division have 22 been quite willing to assist voters who have -- have had 23 difficulties obtaining an ID.</p> <p>24 The largest group of voters in Indiana had 25 some form of ID, a -- a -- of what was left over, the</p>	<p style="text-align: right;">283</p> <p>1 having the religious who don't live outside in homes but 2 who all have the same residences and who come back to 3 that convent or retirement home run by the nuns or run 4 by the priests, it's -- it's very difficult, and so I 5 have some concerns because I have so many voters that 6 are retired religious, and that's why I wanted to clear 7 that up.</p> <p>8 But let me ask you about something else.</p> <p>9 MR. BONNETT: If I may, before you change 10 the subject, I will note that Indiana, for example, has 11 a Mennonite population that objects to being 12 photographed, and our law provided an exception for 13 individuals for religious reasons who objected to being 14 photographed; and there is an exception for disabled 15 individuals who live within a state licensed 16 convalescent or care center. So Indiana has developed 17 exceptions for identifiable groups.</p> <p>18 SEN. VAN de PUTTE: Oh, well, I think 19 that's wonderful that Indiana did that, but you may not 20 know that that's in our Texas bill.</p> <p>21 MR. BONNETT: Uh-huh.</p> <p>22 SEN. VAN de PUTTE: And so why this is 23 more restrictive than Indiana is we don't have the 24 protections that you do in Indiana under this bill, for 25 those who live in religious communities, for those who</p>
<p style="text-align: right;">282</p> <p>1 exceptions covered many of those voters, and the -- 2 ultimately, you know, anyone registered to vote who 3 didn't have the ID, that group was small and has not 4 been identifiable in such a way that the state has been 5 able to even identify them, and certainly efforts have 6 been made in litigation to try and identify a group. 7 But I -- I believe the state would develop 8 administrative procedures to assist anyone having 9 trouble with an ID faster than the litigation would 10 proceed through the courts to try and validate the law.</p> <p>11 SEN. VAN de PUTTE: Well, I appreciate 12 your answer, but you can understand my concern. 13 Particularly in the district that I represent, we have, 14 that I know of, six convents, the Sisters of Divine 15 Providence with their mother house with over 120 retired 16 nuns living there from orders all over; the Society of 17 Mary, which they're Marianist priests, and after they 18 finish at the University of Dayton and other Marianist 19 schools, they come to San Antonio and live right there 20 at Saint Mary's University. We have over 56 nuns from 21 Incarnate Word and that community, and they're, you 22 know, in their 80s, 90s. In fact, we even have a couple 23 that are over a hundred, and while on and on, you see my 24 problem.</p> <p>25 And when I read things about Indiana and</p>	<p style="text-align: right;">284</p> <p>1 are disabled.</p> <p>2 And that's the other thing I wanted to 3 talk to you about because I understand that, you know, 4 this is about the other thing that you said about 5 increased turnout. But I really wanted to talk to you 6 about -- because, I mean, let's face it, isn't the 7 turnout from 2008 November election because we had a 8 highly contested primary season, but it was because we 9 had this wonderful, wonderful, very, very active 10 electorate in electing between now President Obama and 11 John McCain. I mean, it was fabulous. I mean, so you 12 really can't compare turnouts to turnouts because the 13 turnout was wonderful in November, and we're all very 14 excited about that. So I wonder a little bit because, I 15 mean, everybody's turnout went up.</p> <p>16 MR. BONNETT: May I respond to that?</p> <p>17 SEN. VAN de PUTTE: Absolutely, please.</p> <p>18 MR. BONNETT: If you compare the turnout 19 in the 2006 election, which was a nonpresidential 20 off-election year but -- for statewide primary and 21 general elections to the 2010 election last year, there 22 was also an increase between 2006 and 2010 in -- in 23 voter turnout in Indiana, which would be more comparing 24 the apples -- apples to oranges.</p> <p>25 And you're right, in 2008, Indiana voted</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000127

JA_000126

TX_00000127

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">285</p> <p>1 it's electoral votes for a Democratic presidential 2 candidate for the first time in over 30 years. Also, in 3 the 2006 state Congressional races after the photo ID 4 was enacted, three of Indiana's nine Congressional seats 5 switched from Democrat -- or from Republican to 6 Democrat, which tended to dispute the theory of the 7 political subtext of the law.</p> <p>8 SEN. VAN de PUTTE: Thank you. There -- 9 there are a couple of other questions that I wanted 10 to -- to --</p> <p>11 MR. BONNETT: Uh-huh.</p> <p>12 SEN. VAN de PUTTE: -- check on Indiana 13 law. Can you tell me -- your law has a free voter ID 14 card issued by the state or the county. Are there 15 restrictions or affidavits or a means test for access to 16 a free voter identification card from Indiana?</p> <p>17 MR. BONNETT: I don't want to misstate -- 18 misspeak that. It's on the Bureau of Motor Vehicle 19 Regulations. I -- I believe that the person applied for 20 that ID needs to sign an affidavit that they don't 21 have -- have another ID with the state. But beyond 22 that, I'm not -- I can't say about the issue of the 23 means --</p> <p>24 SEN. VAN de PUTTE: Well -- 25 MR. BONNETT: -- test.</p>	<p style="text-align: right;">287</p> <p>1 Indiana code that has not complied with -- and I think 2 that Indiana code 3-7-33-4.5 -- on election day must 3 present one of the following documents to the -- and it 4 says, "A current and valid photo ID," or it says, 5 "current utility bill, bank statement, government check, 6 paycheck, government document that shows the name and 7 address of the voter." And yet we've been told that 8 Indiana only has a photo.</p> <p>9 So what -- what is this section referring 10 to? Is it a provisional ballot or is it a first-time 11 voter or -- or does Indiana allow for the photo ID, but 12 if they don't have the photo ID, can they use other 13 forms?</p> <p>14 MR. BONNETT: I'm not aware that Indiana 15 accepts any alternative than a photo ID. That might -- 16 I'd have to look at the law carefully on that. Might 17 refer to the verification of address or the residency 18 with respect to voters who have moved, but I do not 19 believe that Indiana has any requirement other than -- 20 than that of a -- of a government-issued photo ID with 21 an expiration date for in-person voting.</p> <p>22 SEN. VAN de PUTTE: Well, I think that 23 is -- it was very hard to follow, but I think it's under 24 a provisional ballot that has a state's licensed care 25 facility or something. But there is at least that</p>
<p style="text-align: right;">286</p> <p>1 SEN. VAN de PUTTE: Well, I looked at it, 2 and I didn't think so. It just says that they have to 3 state that they don't have a driver's license and they 4 don't have another.</p> <p>5 MR. BONNETT: Uh-huh.</p> <p>6 SEN. VAN de PUTTE: But there is no 7 affidavit of indigency or -- or anything required, at 8 least from what I looked at your law. But I'm not sure. 9 That's why I wanted to ask.</p> <p>10 MR. BONNETT: That's my understanding. 11 Now, a related issue is when a provisional ballot is 12 verified, if a voter who has voted provisionally within 13 the ten days after the election signs an affidavit that 14 they don't have an ID and cannot get one without expense 15 and possibly can't afford one -- I'm not sure of the 16 exact language on the affidavit -- then they're entitled 17 to have their vote counted.</p> <p>18 SEN. VAN de PUTTE: Well, one of the 19 things that I wanted to look at, and I have the Indiana 20 law and I -- because ours is a little bit more 21 restrictive. But under your section of the -- of the 22 Indiana bill, it has something in here because -- that 23 has me a little troubled because we don't, and I'm going 24 to read it.</p> <p>25 But the voter prescribed by -- and it has</p>	<p style="text-align: right;">288</p> <p>1 protection for those who are at a temporary facility; 2 that even if they don't have a photo ID, the exception 3 is not that they're just exempted but I think that they 4 can utilize other forms of ID, which our Texas bill 5 doesn't have.</p> <p>6 To your knowledge, was -- since this was 7 from the Indiana Legislature, do you remember any 8 discussions on why they -- they put that in? Was this 9 put in at the same time as the original voter ID 10 legislation, or was this only done after the mess up 11 with, you know, the nuns and the -- the other folks who 12 were at this temporary facility?</p> <p>13 MR. BONNETT: I didn't live in Indiana 14 during the time that this legislation was -- was 15 discussed and deliberated, but it's my understanding 16 that the -- the exceptions to the provisions for 17 individuals who live in state-licensed assisted living 18 facilities has always been part of the -- of the 19 scheme -- or the bill, and I think the -- the utility 20 bills and the other documents you refer to might go to 21 the issue of establishing their residency in the 22 state-licensed facility, which is then an exception if 23 the polling place is located in that facility.</p> <p>24 SEN. VAN de PUTTE: Thank you. I really 25 appreciate your candid answer; and, again, we thank you</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000128

JA_000127

TX_00000128

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>289</p> <p>1 very much for your travel here to help us on this 2 important deliberation. Thank you.</p> <p>3 MR. BONNETT: Thank you.</p> <p>4 SEN. VAN de PUTTE: I don't have any other 5 questions, Mr. Chairman.</p> <p>6 CHAIRMAN DUNCAN: Chair recognizes Senator 7 Davis.</p> <p>8 SEN. DAVIS: Thank you, Mr. Chair.</p> <p>9 Mr. Secretary, thank you so much for 10 traveling to be with us today and to help inform us 11 about the work that you've done in Indiana on this 12 issue. I just want to make sure that I clearly 13 understand because today there's been a great deal of 14 discussion about your bill, as you can imagine, as the 15 reason why the bill that's being proposed in the Texas 16 Senate today would be able to withstand constitutional 17 scrutiny. So I want to make sure that we have a clear 18 record in terms of how the bill that Indiana has 19 introduced, or the law that you've introduced, mirrors 20 or does not mirror what we are -- are discussing on the 21 Senate floor today.</p> <p>22 So I think I heard you say that you do 23 allow women who have been married or divorced to come in 24 to vote and to provide some affidavit that they -- their 25 name has changed and is different than is on the ID that</p>	<p>291</p> <p>1 that in the -- the language that's presented to a voter 2 in terms of their right to vote in Indiana, in bold 3 language, you have clarified for voters there that not 4 having a photo ID will not in and of itself be 5 sufficient cause for them not to be able to vote. Is 6 that correct?</p> <p>7 MR. BONNETT: Yes. I'll -- I'll just look 8 up the exact -- the exact bold language, one example's 9 are referred to on Page 10 of the Indiana Election Day 10 Handbook. This is the 2008 copy. In bold, "No voter 11 should be turned away from the polls for failing to 12 provide photo ID." That's -- that's instruction to all 13 poll workers.</p> <p>14 SEN. DAVIS: And does that wording go to 15 instances where, for example, as you -- as you talked 16 about earlier, if a person comes to the poll and they do 17 not have a photo ID, they can vote a provisional 18 balance -- or ballot -- excuse me -- on the condition 19 that they attest that they do not have a photo ID 20 because there would be a cost to receiving that ID 21 either through having to get the underlying 22 documentation that would qualify them to receive the ID 23 or some other cost that would be associated with 24 receiving the ID?</p> <p>25 MR. BONNETT: Yes, there are several</p>
<p>290</p> <p>1 they have because of marriage or divorce. Is that 2 correct?</p> <p>3 MR. BONNETT: That's correct. That's by 4 administrative directive. It's not part of the statute. 5 And I'll say that when the -- when the Indiana courts 6 and the -- the federal courts reviewed the law, it was 7 reviewed in the context not just of the statutory 8 language but other administrative procedures that were 9 developed after the law was passed, after the framework 10 of the law was passed, for the -- the view of -- as 11 applied, how the law was applied.</p> <p>12 SEN. DAVIS: Absolutely. And I think 13 that's terribly important, and I'd like to invite you 14 to -- to please inform us as much as possible both 15 statutorily what was reviewed in terms of what you've 16 done to try to preserve the integrity of someone's right 17 to vote and administratively what's been done.</p> <p>18 So you said on that particular one, that 19 was a rule that was instituted administratively, but it 20 was part of what was reviewed by the court system in 21 terms of the implementation of that law?</p> <p>22 MR. BONNETT: Yes. That -- that directive 23 clarified procedures for poll workers in -- in viewing 24 IDs for conforming names.</p> <p>25 SEN. DAVIS: And then I believe you said</p>	<p>292</p> <p>1 alternatives to means to -- to verifying a provisional 2 ID to allow --</p> <p>3 SEN. DAVIS: And can you discuss what 4 those several alternatives are, please?</p> <p>5 MR. BONNETT: Well, generally, providing 6 the -- the ID or providing the -- the -- the voter 7 registration correction or an affidavit that there is a 8 religious exception to being photographed, that an ID 9 cannot be obtained without -- without cost. There may 10 be another. That's provided for in the Voter Bill of 11 Rights which is posted at each poll site, and then 12 voters who vote provisionally are given a paper receipt, 13 so to speak, with the instructions on how to verify 14 their provisional ballot and have it cast, how and 15 where.</p> <p>16 SEN. DAVIS: Thank you. That's very 17 helpful.</p> <p>18 And I believe you also have a provision in 19 Indiana, do you not, that allows for the use of an 20 expired driver's license for a certain period of time. 21 Is that correct?</p> <p>22 MR. BONNETT: Yes. And I believe if it -- 23 if it goes back to the beginning of the -- the opening 24 of registration for the election which is generally 30 25 days from the prior election. So it's generally about a</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000129

JA_000128

TX_00000129

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p>1 year, year past.</p> <p>2 SEN. DAVIS: Okay. Have you done any work 3 in Indiana to track or to attempt to track the 4 percentage of persons based on categories, whether it be 5 senior status, whether it be minority status, whether it 6 be indigent status, where people have claimed that 7 somehow their right to vote has been interfered with as 8 a result of this particular law?</p> <p>9 MR. BONNETT: I'm not familiar with the 10 state doing that research. Certainly the -- there are 11 interest groups that have -- have made a concerted 12 effort to identify individuals, groups, or 13 characteristics, identify them and locate beyond the 14 theoretical basis; and generally, it's not been 15 something that's been accomplished. There's been a 16 tremendous separation between the theoretical concerns 17 and what's actually been experienced in our elections 18 over the last five years.</p> <p>19 SEN. DAVIS: When you started your 20 comments this afternoon, you began by saying that there 21 had been scant evidence of disenfranchisement, and scant 22 to me means that there must have been some. So can you 23 talk a little bit with us about what that's looked like 24 for Indiana?</p> <p>25 MR. BONNETT: There -- there was a single</p>	<p>293</p> <p>1 religious purposes. We talked about the fact that if a 2 person comes to the polling location without an ID, they 3 can vote a provisional ballot so long as they attest as 4 one of the -- the reasons for voting that provisional 5 ballot, that they had to pay a fee in order to -- to get 6 a photo ID and they were unable to pay that fee. You 7 talked about the special rule that's been created to 8 handle the situation where women have been married or 9 divorced and their -- their name would be different than 10 what is on their ID.</p> <p>11 Are there other -- and excuse me -- you 12 also talked about the expiration of a driver's license 13 not being a reason to immediately turn that -- that 14 voter away so long as it's within that --</p> <p>15 MR. BONNETT: Uh-huh.</p> <p>16 SEN. DAVIS: -- period of time that you 17 described earlier.</p> <p>18 Are there any other conditions that were 19 implemented, either through the statute or through 20 administrative rule, that you feel we should know about 21 in terms of reflecting a sensitivity to trying to 22 preserve the enfranchisement of your voters as much as 23 possible?</p> <p>24 MR. BONNETT: Yes. College -- college 25 students at some state universities have -- it came</p>
<p>294</p> <p>1 media report prior to the 2010 election, a few days 2 prior to the election. It was not officially reported 3 to the state, but the media account was a gentleman 4 of -- in a particular county of 40-something years, due 5 to some unusual circumstances did not have a birth 6 certificate. I think it involved him having been 7 discharged to foster care through state programs, 8 et cetera. But it also was evident that the Bureau of 9 Motor Vehicles Division has a special group -- team that 10 works with individuals who have particular problems to 11 address those needs. And the -- the report did not 12 result in -- in a complaint, and there was no indication 13 the state got that the person wasn't able to vote 14 under -- under one of the exceptions.</p> <p>15 There have been some reports, also, that 16 generally upon investigation, the individuals were able 17 to vote under -- under some provision.</p> <p>18 SEN. DAVIS: And you mentioned that -- a 19 moment ago, that through both administrative rule and 20 through the statute itself, in the state of Indiana, 21 you've tried to be cognizant of this disenfranchisement 22 issue through some of the -- the rules that you've 23 enacted along with it. We talked about the fact that 24 you have a religious exception for -- for people who 25 cannot be photographed or refused to be photographed for</p>	<p>294</p> <p>1 about, they have IDs that don't have an expiration date, 2 and through arrangements with -- with state colleges, 3 the universities provided through some type -- I believe 4 it was a secure online facility -- a way for the polling 5 locations to -- to verify the expiration date 6 independent of the actual ID. And so arrangements were 7 made, then, for students with -- with a university ID 8 that did not have the expiration date but where the 9 college was able to provide that information 10 independently to go ahead and vote on election day.</p> <p>11 SEN. DAVIS: Very good. Are there any 12 other?</p> <p>13 MR. BONNETT: Not that come to mind.</p> <p>14 SEN. DAVIS: Okay. Thank you, 15 Mr. Secretary. I appreciate it.</p> <p>16 MR. BONNETT: Uh-huh.</p> <p>17 CHAIRMAN DUNCAN: There being no further 18 questions, Mr. Bonnett. Thank you for your testimony 19 today and for traveling here.</p> <p>20 SEN. WEST: Mr. Chairman?</p> <p>21 CHAIRMAN DUNCAN: Senator West, you're a 22 little late on the light there.</p> <p>22 SEN. WEST: I thought it was on. I 23 apologize. And I just have a couple of questions, 24 anyway.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000130

JA_000129

TX_00000130

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">297</p> <p>1 And it may have already -- you may have 2 already addressed this, and I just may not have heard 3 it. As it relates to the provisional ballots in your 4 state --</p> <p>5 MR. BONNETT: Uh-huh.</p> <p>6 SEN. WEST: -- an individual can, in fact, 7 cast a provisional ballot. Is that correct?</p> <p>8 MR. BONNETT: Yes.</p> <p>9 SEN. WEST: Okay. And they have to -- 10 what's the process? Once they cast the ballot, in order 11 for the ballot to count, they have to come back within a 12 certain number of days?</p> <p>13 MR. BONNETT: Within ten days.</p> <p>14 SEN. WEST: And what do they have to do?</p> <p>15 MR. BONNETT: They can correct any -- any 16 issue with -- with voter registration. For example, if 17 a person appears at a poll and they're simply not 18 registered at all, they can still cast a provisional 19 ballot. You know, there may be some administrative 20 issue in the -- with kind of registration board about 21 why they didn't show up in the precinct where they 22 believe they needed to vote. That -- that can be 23 corrected, and the Election Board is free to correct 24 that through and beyond the election. They can bring in 25 the identification, and they can certainly seek</p>	<p style="text-align: right;">299</p> <p>1 disaggregated by ethnicity?</p> <p>2 MR. BONNETT: No. I'm not -- I do not 3 believe that there's an indication on the provisional 4 ballot affidavit.</p> <p>5 SEN. WEST: So you really don't -- I mean, 6 in terms of the provisional ballots, the tallies, in 7 terms of provisional ballots, is it disaggregated by 8 ethnicity; that is, the number of Hispanics, African 9 Americans that are voting?</p> <p>10 MR. BONNETT: It's not, although the 11 copies of the affidavits are -- are -- are public 12 information, and there have been some social scientists 13 who have been studying and attempting to write about 14 provisional ballots and determine if there's any -- any 15 meeting or conclusions that can be gathered --</p> <p>16 SEN. WEST: Has there been any -- any such 17 studies done in Indiana?</p> <p>18 MR. BONNETT: I have looked at one study 19 from a adjunct law professor. It did not appear to 20 provide any -- any academic or statistically sound 21 conclusions. It was more a discourse on the issue of 22 photo ID, in general, but it made some reference to some 23 statistics that were, you know, tallies of the number of 24 provisional ballots.</p> <p>25 The provisional balloting started at the</p>
<p style="text-align: right;">298</p> <p>1 assistance with obtaining the identification that's 2 required. They can also come and execute an affidavit 3 that -- obviously, we talked about the exception to 4 being photographed for religious reasons. They can 5 execute an affidavit that says they -- they don't have 6 the ID. They cannot get one without cost, and then 7 they're eligible to have that vote counted.</p> <p>8 SEN. WEST: Okay. So there's a process in 9 place.</p> <p>10 Does the state keep any tally or report on 11 the number of provisional ballots that are cast in the 12 state of Indiana?</p> <p>13 MR. BONNETT: Yes. The county election 14 boards submit that information with their -- with their 15 poll results data to the Election Division, and it's -- 16 it's published online for every election. The -- the 17 number of provisional ballots and the disposition and 18 the counties actually are also required to send copies 19 of the affidavits to the Secretary of State's office, 20 which then can be examined for the reason. For example, 21 how many didn't show up on a poll book or there was a 22 challenge raised of some sort so that we can -- we've 23 been able to investigate the status and disposition of 24 provisional ballots.</p> <p>25 SEN. WEST: Is that information</p>	<p style="text-align: right;">300</p> <p>1 same time as the photo ID, so we don't have a calculus 2 of the provisional balloting before Indiana's photo ID.</p> <p>3 SEN. WEST: Do you happen to have the cite 4 for that particular professor's study or article?</p> <p>5 MR. BONNETT: I'll be most happy to --</p> <p>6 SEN. WEST: Okay.</p> <p>7 MR. BONNETT: -- to get it to you or get 8 it to the committee.</p> <p>9 SEN. WEST: To the chairman and the staff? 10 I'd appreciate that.</p> <p>11 As it relates to provisional ballots, is 12 there any type of report on the number of individuals or 13 the percentage of individuals that come back and go 14 through the process to make certain their vote count? 15 Is it less than 10 percent of those individuals that 16 cast?</p> <p>17 MR. BONNETT: I'm not aware of an 18 aggregated report. The data exists, and it's -- it's 19 online. I'm not aware of an aggregated analysis of how 20 many.</p> <p>21 Some provisional ballots, you know, there 22 are some instances where a person would go to a precinct 23 and not be registered to vote a provisional ballot and 24 then be directed to, and the poll workers are advised to 25 have someone go ahead and vote that provisional ballot.</p>

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000131

JA_000130

TX_00000131